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NCOIL PROPERTY & CASUALTY INSURANCE COMMITTEE HOLDS VIRTUAL INTERIM MEETING

Rowland Takes Reigns as New Committee Chair; Introduced Distracted Driving Model Act; Received Update on NAIC Casualty Actuarial & Statistical Task Force; Discussed Five NCOIL Models Up for Re-Adoption

Manasquan, NJ – The National Council of Insurance Legislators (NCOIL) Property & Casualty Insurance Committee (Committee) held an interim conference call meeting on July 24th. The purpose of the interim meeting was to discuss the first draft of the NCOIL Distracted Driving Model Act, and to provide an update on the National Association of Insurance Commissioners (NAIC) Casualty Actuarial and Statistical (C) Task Force’s (CASTF) Regulatory Review of Predictive Models White Paper.

NCOIL President Matt Lehman (Rep. IN) appointed Kentucky Representative Bart Rowland as Chair of the Committee. The prior Chair, Georgia Representative Richard Smith was recently named Chair of the Georgia House Rules Committee, a position that comes with enormous responsibility and time demands. In stepping down as Chair of the NCOIL P&C Committee, Rep. Smith did not want the Committee to be held back at all due to his schedule.

NCOIL President Lehman, said, “Richard Smith is a great man and has been a longtime supporter and active member of NCOIL. Richard will continue to stay involved with NCOIL and in fact participated in this meeting. When Richard notified us of his decision, we reflected on an immediate succession plan and Bart Rowland is the person that sprung to mind. Bart has been an NCOIL leader for years and is universally respected in the organization. He has my full confidence and support.”

“Rep. Smith has been a wonderful leader of the P&C Committee in past years to present and while we are sad that he will not be as involved with us this year, we wish him all the best on his new assignment as Chair of the GA House Rules Committee. We are very pleased that Rep. Rowland is up for the task and we feel that he is exactly the type of leader NCOIL needs to take



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over this position,” stated NCOIL CEO, Commissioner Tom Considine. “Bart has been a ‘go to’ leader here at NCOIL for as long as I’ve been here,” Considine concluded.

The Committee received an update on the work of the NAIC’s Casualty Actuarial and Statistical (C) Task Force’s (CASTF). Specifically, CASTF’s work in developing a Regulatory Review of Predictive Models White Paper. This was a follow-up from the interim meeting of the NCOIL Executive Committee on July 1st during which the Committee adopted a Resolution, sponsored by California Assemblyman Ken Cooley, NCOIL Vice President, “Urging the NAIC To Refrain from Intruding on the Constitutional Role of State Legislators” in response to the work of CASTF. However, while the Committee did adopt the Resolution, it was agreed upon that the Resolution would be held pending further discussion with the NAIC in the hope that the work of the CASTF might be altered.

Considine provided a briefing during this meeting that there have been officer level discussions on the issue, but more need to occur.

The Committee also introduced and discussed the first draft of an NCOIL Distracted Driving Model Act, sponsored by Ohio Senator Bob Hackett and Asm. Cooley. Additionally, Cathy Chase, President of Advocates for Highway & Auto Safety, provided a presentation on the issue.

Asm. Cooley stated, “It is vital that we create this type of legislation for states to use as guidance as they develop legislation beyond the no-texting ban. Developing the appropriate level of penalties is critical. We hope that everyone will get behind this effort in order to improve traffic safety, reduce motor-vehicle related injuries and fatalities, strengthen enforcement, and signal to public and app developers what ‘driver safety’ capabilities their products should have.”

Sen. Hackett said, “I echo Asm. Cooley’s comments. Distracted driving has become a widespread, deadly problem in our country. I think the first draft of the Model is at a great starting point and it is our goal as sponsors to move this forward in a timely manner and continue the drafting discussions until we have it right. The consequences of this Model can actually be life or death. The research shows that the consequence to distracted driving is death more often than not. We have the opportunity to change that outcome as state legislators.”

Additionally, the Committee provided the opportunity for discussion on the five (5) NCOIL Model Laws scheduled for re-adoption at the upcoming NCOIL “Summer” Meeting in September. Those Models are: Post-Assessment Property and Liability Insurance Guaranty Association Model Act (originally adopted November 2007; amended March 2015); Model Act Regarding Medicaid Inception of Insurance Payments (originally adopted November 2014; amended March 2015); Storm Chaser Consumer Protection (adopted July 2005); Model Act Regarding Use of Credit Card Information in Personal Insurance (originally adopted November 2002; re-adopted November 2005; amended 2009; re-adopted November 2015); and Model Act to Regulate Insurance Requirements for Transportation Network Companies and Transportation Network Drivers (adopted July 2015).

Chair Rowland stated, “It is an honor to be appointed by my colleagues to Chair the NCOIL Property & Casualty Insurance Committee. As we all saw from the interim meeting, this Committee has a lot on the agenda for the upcoming ‘Summer’ Meeting and we are just beginning to dive into some of these issues as well as revisiting many important issues. I am humbled that NCOIL is allowing me to step up to this leadership role, and I was pleased with the initial discussions during the interim meeting last week. I urge all parties to keep the conversations going in order to develop high quality public policy for states to consider adopting. That is always the goal of NCOIL public policy.”

There were over 100 participants on the interim virtual meeting which included 17 legislators from 15 states. In addition to the robust dialogue from legislators, NCOIL heard perspectives from a wide array of interested parties including the National Association of Mutual Insurance Companies (NAMIC), Uber, the National Conference of Insurance Guaranty Fund (NCIGF), the American Property Casualty Insurance Association (APCIA), the Independent Insurance Agents and Brokers of American (IIABA),

NCOIL notified all meeting attendees during the meeting upon realizing that there was a problem with Zoom access, stating that it had pre-arranged to have a 500-participant capacity and this function was not automatically enabled by Zoom. “That was awful, just awful,” stated Considine. “We’ll refund double anyone’s registration fee who signed up in advance but could not get through.” Please reach out to Cara Zimmermann czimmermann@ncoil.org or Cindy McLavish cmclavish@ncoil.org at the NCOIL National Office if you registered for the interim meeting and could not get in through Zoom.

Minutes and the video recording from the meeting will be posted on the NCOIL website in the next week.

All material discussed during the meeting, including the draft of the Distracted Driving Model, can be viewed here: <http://ncoil.org/ncoil-property-casualty-insurance-committee-interim-conference-call-july-24-2020-100-pm-230-pm-est/>