

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE INSURANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECT	ION 1. Section 431:10C-301, Hawaii Revised Statutes,
2	is amende	d by amending subsection (b) to read as follows:
3	"(b)	A motor vehicle insurance policy shall include:
4	(1)	Liability coverage of not less than [\$20,000] \$50,000
5		per person, with an aggregate limit of [\$40,000]
6		\$100,000 per accident, for all damages arising out of
7		accidental harm sustained as a result of any one
8		accident and arising out of ownership, maintenance,
9		use, loading, or unloading of a motor vehicle;
10	(2)	Liability coverage of not less than \$10,000 for all
11		damages arising out of damage to or destruction of
12		property including motor vehicles and including the
13		loss of use thereof, but not including property owned
14		by, being transported by, or in the charge of the
15		insured, as a result of any one accident arising out
16		of ownership, maintenance, use, loading, or unloading,
17		of the insured vehicle;

1	(3)	With respect to any motor vehicle registered or
2		principally garaged in this State, liability coverage
3		provided therein or supplemental thereto, in limits
4		for bodily injury or death set forth in paragraph (1),
5		under provisions filed with and approved by the
6		commissioner, for the protection of persons insured
7		thereunder who are legally entitled to recover damages
8		from owners or operators of uninsured motor vehicles
9 .		because of bodily injury, sickness, or disease,
10		including death, resulting therefrom; provided that
11		the coverage required under this paragraph shall not
12		be applicable where any named insured in the policy
13		shall reject the coverage in writing; and
14	(4)	Coverage for loss resulting from bodily injury or
15		death suffered by any person legally entitled to
16		recover damages from owners or operators of
17		underinsured motor vehicles. An insurer may offer the
18		underinsured motorist coverage required by this
19		paragraph in the same manner as uninsured motorist
20		coverage; provided that the offer of both shall:
21		(A) Be conspicuously displayed so as to be readily
22		noticeable by the insured;

1	(B)	Set forth the premium for the coverage adjacent
2	*	to the offer in a manner that the premium is
3		clearly identifiable with the offer and may be
4		easily subtracted from the total premium to
5		determine the premium payment due in the event
6		the insured elects not to purchase the option;
7		and
8	(C)	Provide for written rejection of the coverage by
9		requiring the insured to affix the insured's
10		signature in a location adjacent to or directly
11		below the offer."
12	SECTION 2	. Statutory material to be repealed is bracketed
13	and stricken.	New statutory material is underscored.
14	SECTION 3	. This Act shall take effect upon its approval,
15	and shall apply	y to motor vehicle insurance policies issued or
16	renewed on or	after the effective date of this Act.
17		
		INTRODUCED BY:

HB LRB 13-0734.doc

H.B. NO. 690

Report Title:

Motor Vehicle Insurance

Description:

Increases the minimum liability coverage from \$20,000 to \$50,000 per person and the aggregate limit from \$40,000 to \$100,000 per accident for motor vehicle insurance policies.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



NEIL ABERCROMBIE GOVERNOR

SHAN S. TSUTSUI LT. GOVERNOR

STATE OF HAWAII OFFICE OF THE DIRECTOR DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

KEALI`I S. LOPEZ

JO ANN M. UCHIDA TAKEUCHI

335 MERCHANT STREET, ROOM 310 P.O. Box 541

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TO THE HOUSE COMMITTEE ON TRANSPORTATION

TWENTY-SEVENTH LEGISLATURE Regular Session of 2013

Monday, February 11, 2013 10 a.m.

TESTIMONY ON HOUSE BILL NO. 690 – RELATING TO MOTOR VEHICLE INSURANCE.

TO THE HONORABLE RYAN YAMANE, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Gordon Ito, State Insurance Commissioner ("Commissioner"), testifying on behalf of the Department of Commerce and Consumer Affairs ("Department"). The Department takes no position on this bill and offers the following comments.

This purpose of this bill is to amend Hawaii Revised Statutes ("HRS") § 431:10C-301(b)(1) by increasing the mandated minimum motor vehicle liability insurance coverage from \$20,000 per person and \$40,000 per accident to \$50,000 per person and \$100,000 per accident, respectively.

Increasing the minimum liability insurance coverage will result in a higher premium to consumers who purchase only the minimum coverage and may make motor vehicle insurance unaffordable for some consumers. This may result in a higher number of uninsured motorists, which may also impact the assigned claims program.

We thank this Committee for the opportunity to present testimony on this matter.



Pauahi Tower, Suite 2010 1003 Bishop Street Honolulu, Hawaii 96813 Telephone (808) 525-5877

Alison Powers
Executive Director

TESTIMONY OF ALISON POWERS

HOUSE COMMITTEE ON TRANSPORTATION Representative Ryan I. Yamane, Chair Representative Linda Ichiyama, Vice Chair

> Monday, February 11, 2013 10:00 a.m.

HB 690

Chair Yamane, Vice Chair Ichiyama, and members of the Committee, my name is Alison Powers, Executive Director of the Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately 40% of all property and casualty insurance premiums in the state.

Hawaii Insurers Council presents comments on this bill. This bill increases the minimum bodily injury liability limits in Section 431:10C-301(b)(1) of \$20,000 per person and \$40,000 per accident to \$50,000 per person and \$100,000 per accident. Increasing the minimum bodily injury liability limits would also increase the minimum liability limits for uninsured motorist and underinsured motorist coverages. The \$50,000 per person and \$100,000 per accident coverage option is currently available to those who wish to purchase it under all three coverages. If mandated for all vehicle owners, this change would increase the cost of a minimum limits motor vehicle insurance policy.

Thank you for the opportunity to testify.



Advocacy, Leadership, Results.

To:

The Honorable Ryan I. Yamane, Chair House Committee on Transportation

From:

Mark Sektnan, Vice President

Re:

HB 690 - Relating to Motor Vehicle Insurance

PCI Position: Oppose

Date:

Monday, February 11, 2013

10:00 a.m., Conference Room 309

Aloha Chair Yamane and Members of the Committee:

The Property Casualty Insurers Association of America (PCI) respectfully opposes HB 690 which would increase the auto insurance minimum liability limits because it is unnecessary and would adversely impact a large percentage of drivers. Attached for your information is a study of the estimated impact this bill would have on Hawaii's motorists.

To summarize our findings, HB 690 proposes to raise the state's motor vehicle insurance financial responsibility (FR) limits from \$20K/\$40K/\$10K to \$50K/\$100K/\$10K. While greater amounts of BI liability coverage would be available, implementing higher FR limits also means consumers have to pay more.

- HB 690 would give Hawaii the highest FR limits in the nation.
- Over 70% of existing claims result in bodily injury claims under \$14,500. The current minimum of \$20,000 is more than adequate to handle the majority of claims.
- HB 690 could result in higher insurance rates for almost 30% of the insured drivers in Hawaii.
- The drivers likely to see the largest increase are low income drivers who may choose to drop coverage.
- Hawaii's uninsured motorist population has been declining; its ranking has improved from 24th highest to 31st highest over the last five years. HB 690 could lead to an increase in the uninsured motorist population.
- Drivers should be able to choose their own FR limits. HB 690 could very well lead to much higher prices for unnecessary coverage.

Given today's economic crisis, it is not sound policy to require anyone to pay more for additional coverage, especially when it's not necessary.

For these reasons, we urge the committee to hold the bill in committee.

Attachment



ANALYSIS OF HAWAII HB 690 AND SB 1266: PROPOSAL TO RAISE THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY BODILY INJURY LIMITS

Introduction – The Estimated Impact of HB 690 and SB 1266 on Auto Insurance Rates Hawaii's House Bill 690 and Senate Bill 1266 both propose to raise the state's motor vehicle insurance financial responsibility (FR) bodily injury (BI) limits from \$20K/\$40K¹ to \$50K/\$100K. Neither bill affects the property damage (PD) liability limit of \$10K, which remains the same.

Based on the latest available data,² about one-fifth (20%) of insured drivers in Hawaii carry minimum limits. Another 10% of drivers have \$25K/\$50K limits. Hence, at least 30% of the state's insured drivers would be negatively affected by these bills. While greater amounts of BI liability coverage would be available, implementing higher FR limits also means having to pay more. The amount of increase depends on the insurance carrier and their current limits.

To provide further insight on the effects of raising FR limits, the table below presents PCl's estimated BI rate impact based on a leading insurer's rates. If the FR limits had been raised to \$50K/\$100K, the drivers who would have been affected the most are the ones with the lowest limits (\$20K/\$40K); they could have seen their BI rates go up 66 percent, possibly paying anywhere from \$90 (in Kauai) to \$171 (in the Big Island) more a year depending on where they live.

THE RESERVE OF THE PROPERTY OF THE PARTY OF	FR Limits Had E d Annual BI Rate	PRODUCED SECTION CONTRACTOR AND		/ith
	\$20K/\$40	OK Limits	\$25K/\$50K Limits	
	%	\$	%	\$
Honolulu	66%	\$154	41%	\$112
Maui	66%	\$150	41%	\$108
Kauai	66%	\$90	41%	\$65
Big Island	66%	\$171	41%	\$124

It should be noted that policyholders who already have higher BI limits of \$50K/\$100K or above (about 70% of the state's drivers) would not have been hurt by these bills. Only those with lower amounts would have been penalized – these are typically the ones with less income and fewer assets. Raising the FR limits to \$50K/\$100K also would have meant a loss in the ability to choose the BI coverage levels that best suit their needs.

Raising FR Limits is Impractical and Unnecessary

Supporters of the bills may say that the state's minimum coverage levels are not adequate to cover the cost of injuries in today's health care market. However, the cost of most auto injury claims in Hawaii is still quite low. According to a sample of 2007 data compiled by the Insurance Research Council, PCI estimates that **roughly 7 out of 10 (72%) of this state's auto BI injury claims**

¹ FR limits of \$20K/\$40K mean coverage up to \$40,000 for all persons injured in an accident, subject to a limit of \$20,000 for one individual.

² Insurance Research Council (2007) closed claims data

resulted in total payments of \$12,500 or less.³ In 2013 dollars, this amount is about \$14,200, which is significantly lower than the current per-person FR limit of \$20,000. Therefore, raising the perperson FR limit to \$50,000 would only mean forcing a large portion of drivers to pay more for superfluous coverage.

The Estimated Impact of Raising F.R. Limits on Hawaii's U.M. Population Ranking
Hawaii's uninsured motorist population has been declining; its ranking has improved from 24th highest
to 31st highest over the last five years.⁴ Had the FR limits been raised, this could also have caused
the U.M. population to deteriorate, which is not a desirable outcome. If this had occurred, the U.M.
rate for all remaining insured drivers in the state may have gone up even more due to greater
exposure to losses caused by motorists without coverage.

Rather than requiring those who can least afford higher limits to buy more coverage, it would have been more appropriate to allow these individuals to purchase the level of insurance they can afford rather than force them to go without coverage at all.

Conclusion

Given today's economic crisis, it is not sound public policy to require anyone to pay more for additional coverage especially when it is not necessary, nor does it make sense to adversely impact the large majority of drivers. If the intent of HB 690 and SB 1266 is to reflect today's reality in terms of costs, then the FR limits should remain as they are. With \$50K/\$100K limits, Hawaii would have the highest BI financial responsibility limits in the nation, along with two other states (Alaska and Maine; Wisconsin repealed its FR limits of \$50K/\$100K in Feb. 2011). The current limits of \$20K/\$40K are appropriate for most people in Hawaii; those who want to have greater protection are certainly free to purchase higher limits.

In conclusion, had FR legislation already been passed, not only would it have prevented most of Hawaii's drivers from selecting the limits that they need and want, but it could very well have led to much higher prices for unnecessary coverage. Most people simply cannot afford this additional economic hardship. Keeping costs down should be the most significant consideration for Hawaii's consumers – PCI respectfully requests that these bills be defeated. In this way, consumers can continue to have greater options in their auto insurance and at more affordable prices.

The Property Casualty Insurers Association of America (PCI) is a national trade association consisting of more than 1,000 insurers of all sizes and types. Its members represent 39.6 percent of the total general insurance business and 45.8 percent of the total personal auto business in the nation. In Hawaii, PCI members represent 44.1 percent of the personal auto market.

³ Ibid.

⁴ Insurance Research Council, *Uninsured Motorists*, 2011 edition

HOUSE COMMITTEE ON TRANSPORTATION

February 11, 2013

House Bill 690 Relating to Motor Vehicle Insurance

Chair Yamane and members of the House Committee on Transportation, I am Rick Tsujimura, representing State Farm Mutual Automobile Insurance Company (State Farm). State Farm opposes House Bill 690 Relating to Motor Vehicle Insurance which increases the coverage for bodily injury.

While Hawaii has seen some modest improvement in its economy, the unilateral increase of bodily injury limits we believe is excessive. Indeed, any increase at this current time would be counter-productive, as it would force those who are already struggling to balance a smaller income to choose between obtaining insurance and going bare. We believe this Hobson's choice should not be placed on Hawaii's citizens. Should this measure be passed you can be assured that some portion of an already stressed citizenry will decide to drive uninsured. This is a situation which no one desires.

For these reasons we oppose House Bill 690 and ask that it be held.

Thank you for the opportunity to present this testimony.

Testimony of Gary M. Slovin / Mihoko E. Ito on behalf of EAN Holdings, LLC

February 9, 2013

TO: Representative Ryan I. Yamane

Chair, Committee on Transportation

Submitted Via Email <u>TRNtestimony@capitol.hawaii.gov</u>

H.B. 690– Relating to Motor Vehicle Insurance

Hearing Date: Monday, February 11, 2013 at 10:00 am

Conference Room 309

Dear Chair Yamane and Members of the Committee on Transportation:

We submit this testimony on behalf of EAN Holdings, LLC, operating Enterprise Rent-A-Car, Alamo Rent-A-Car and National Car Rental in Hawaii (collectively referred to as "Enterprise"). Enterprise **opposes** H.B.551, which increases the minimum liability coverage from \$20,000 to \$50,000 per person and the aggregate limit from \$40,000 to \$100,000 per accident for motor vehicle insurance policies.

This measure would make Hawaii's minimum liability coverage limits among the highest in the nation. Increasing the minimum limits will raise insurance premiums; thereby increasing the likelihood that insurance will become unaffordable for more drivers, and increasing the number of uninsured drivers on the road.

Enterprise is responsible for providing the minimum limits for a rental customer who has no insurance. If the rental customer is insured, but with insufficient limits, then Enterprise is responsible for the difference between the rental customer's policy and the minimum limits.

Increasing the minimum limits increases Enterprise's financial responsibilities in the case of an accident. A higher risk of financial exposure raises their operating costs, and therefore their rental rates, to cover these costs accordingly. Raising the cost of a rental car would price many potential customers out of the market.

In the case of Enterprise, in addition to their airport locations, they have the largest number of neighborhood rental locations in the industry. These locations often serve the local communities they are located in. If rental rates were increased in order to cover these higher minimum limits, many residents who want to rent a car when they are doing business, who visit family and friends on another island, or who need a replacement vehicle for their own car in the shop, would be unable to afford the cost of a rental.

Thank you for the opportunity to submit testimony on this measure.

Testimony of Gary M. Slovin / Mihoko E. Ito on behalf of USAA

February 9, 2013

TO: Representative Ryan Yamane

Chair, Committee on Transportation

Submitted Via Email TRNtestimony@capitol.hawaii.gov

H.B. 690 – Relating to Motor Vehicle Insurance

Hearing Date: Monday, February 11, 2013, 10:00 am

Conference Room 309

Dear Chair Yamane and Members of the Committee on Transportation:

We submit this testimony on behalf of USAA, a diversified financial services company, who is the leading provider of competitively priced financial planning, insurance, investments, and banking products to members of the U.S. military and their families. USAA has over 82,000 members in Hawaii, the vast majority of which are military-based members.

USAA **opposes** H.B. 690, which increases the minimum bodily injury motor vehicle insurance to \$50,000 for bodily injury or death to one person and \$100,000 for bodily injury or death to two or more persons.

Increasing minimum limits for auto insurance coverage will increase premiums. This may price many Hawaii residents out of the market, and will only increase the uninsured motorist population. It also has the potential to be especially hard on the U.S. military members with their low salaries, which is the population that USAA serves.

Thank you for the opportunity to submit testimony on this measure.

TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF H.B. NO. 690

Date: Monday, February 11, 2013

Time: 10:00 am

To: Chairman Ryan Yamane and Members of the House Committee on Transportation:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in support of H.B. No. 690 relating to motor vehicle insurance.

This measure increases the minimum automobile insurance coverage for bodily injury liability from \$20,000 to \$50,000 per person. The maximum limit for an accident is correspondingly increased from \$40,000 to \$100,000. Bodily injury liability coverage provides benefits to those who are injured or killed by careless drivers in traffic accidents.

The minimum insurance requirement for bodily injury liability has actually decreased over the years despite increases in the cost of living. The minimum requirement was \$35,000 per person with no maximum per accident until 1992. In 1992 it was reduced to \$25,000 with no maximum per accident. It remained at \$25,000 until it was reduced again in 1997 to \$20,000 per person with a \$40,000 maximum per accident. During that same time the Consumer Price Index for Hawaii increased more than 50%. It is time to raise the minimum requirement to more fairly reflect the changes in the cost of living and provide realistic minimum levels of protection for the public.

The lowering of minimum coverage was driven by premiums that had skyrocketed to unaffordable levels with consumers reporting annual premiums of up to

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\$2,000 for basic coverages. It is in this context that minimum requirements were reduced in order to bring the cost of insurance to affordable levels for the driving public. It was a cost issue and not a public protection issue. Today, and for the past 15 years, the cost of automobile insurance has dropped to historic lows and is now very affordable.

The Insurance Division publishes premium rates for automobile insurance annually. Its current publication (Dec. 2012) lists major insurers offering full coverage, including bodily injury liability, property damage liability, PIP-No Fault, Uninsured Motorist and Underinsured Motorist benefits, starting under \$300 per year. GEICO, one of the largest market share leaders, sells full coverage policies (including bodily injury liability, property damage, PIP medical, uninsured motorist and underinsured motorist) with annual premiums of \$204 for Kauai, \$267 for Maui, \$270 and \$281 for the Big Island. Allstate, Liberty Mutual and USAA similarly provide full coverage policies in Hawaii starting under \$300 annually. Farmers and State Farm policies start at \$314 and \$356. Major mainland insurers with smaller market shares, such as Fireman's Fund, offer full coverage policies for as little as \$137 per year. The December 2012 rates published by the Insurance Division are attached.

Hawaii has been the nation's most profitable automobile insurance market in the United States for over 15 years. In the mid-1990s insurers claimed that high premiums were caused by excessive claim payments, however, an August 1996 Star Bulletin article revealed that auto insurers were actually making record profits instead. Insurance Commissioner Graulty confirmed: "We have the highest profits of any state in the last decade." Indeed, net profits in 1996 were a staggering 27.5%, up from an already

impressive 22% in 1995. Hawaii has lead the nation with the highest profits (by a wide margin) ever since.

Insurers make profits in Hawaii that are currently more than 6 times higher than the national average. The National Association of Insurance Commissioners (NAIC) annually publishes profit/loss data for automobile insurance countrywide. In its most recent report issued in Dec 2012, NAIC data reveals that private automobile insurance underwriting profits in Hawaii for 2011 was 17.7% with a 17% return on net worth. The national average underwriting profit was -3.9% with a 2.6% return on net worth. Automobile insurers reaped profits in Hawaii that were more than 6 times the rest of the nation. The NAIC data is attached.

Hawaii has consistently been the most profitable state for automobile insurers for over 15 years with profits as high as nine (9) times the national average. NAIC data shows net returns for Hawaii auto insurance of 17.0%, 19.8%, 21.5%, 20.1% and 19.9% for the past five years for an annual average of 19.7%. Not bad at all during a very difficult economy. The five year national average is 5.4% or just 27% of Hawaii's profits. Hawaii insurers averaged almost quadruple profits compared to the rest of the nation. It is time to re-balance consumer benefits with insurer profits to give consumers more benefits and insurers normal (not exorbitant) profits. There is ample room for insurers to provide additional benefits to Hawaii consumers without raising premiums or at nominal increase.

Hawaii is among only 15 states that require \$20,000 or less. Twenty nine states require \$25,000. Four states require \$30,000 and two states require \$50,000. An increase in Hawaii's minimum requirement is appropriate given our high cost of living,

affordable insurance rates and civic obligation to provide adequate levels of benefits in exchange for the privilege of driving.

Testimony from industry representatives last year claimed that a statutory increase would lead to large premium increases of as much as \$200 for consumers. As a result, we have collected data from major Hawaii insurers to examine the actual cost of liability insurance in Hawaii. The actual cost of the increase proposed in this measure is minimal.

Actual quotes were obtained from GEICO, one of Hawaii's largest auto insurers, whose rates are on the lower end. The increase in premiums for \$50,000/\$100,000 was \$9.90 semi-annually (\$19.80 per year). The increase to \$25,000/\$50,000 was \$2.60 semi-annually. The increase to \$100,000/\$300,000 was \$17.20 semi-annually. The quotes are attached.

State Farm, another market leader in Hawaii, has rates that fall in the mid-range. Actual existing policies are attached to show the cost of the increase for State Farm policies. A State Farm policy currently in effect to June 2013 contains minimum \$20,000/\$40,000 bodily injury plus \$10,000 property damage liability coverages for \$89.36 semi-annually. The same person has another car insured by State Farm with \$250,000/\$500,000 bodily injury and \$100,000 property damage coverage with a premium of \$106.34. The additional \$230,000 per person/\$460,000 per accident bodily injury, plus additional \$90,000 property damage cost only \$16.98. The two policy premium pages from State Farm's website are attached.

On another actual policy, State Farm quoted an increase of \$13.16 semi-annually for the increase from \$20,000/\$40,000 to \$50,000/\$100,000. An increase to

\$100,000/\$300,000 cost just \$22.81 semi-annually more than the minimum limits. The optional coverage premium page for this policy is attached.

DTRIC has a smaller but growing market share with increased television and print advertising in recent years. The additional cost of \$50,000/\$100,000 at DTRIC is \$6 semi-annually. \$100,000/300,000 costs just \$11 more than \$20,000/\$40,000. These are current rates received on an actual policy renewal this month. The DTRIC premium sheet is attached.

Some insurers quote premiums as percentage increases rather than in dollars. The popular AARP Hartford policy quotes the increase to \$50,000/\$100,000 at 15% more than the current minimum \$20,000/\$40,000. Although benefits are increased two and half times premiums are increased by only 15%. Attached in an AARP Hartford premium sheet from an actual policy in effect from December 2012 to December 2013.

In the past, industry representatives have indicated that around half of all policies already carry higher limits. This means that about half of auto policies will see no effect from an increase since they already carry increased limits.

Those carrying minimum limits may be assessed rates different from those quoted above. Someone with DUI or speeding tickets and multiple accidents will pay more. Someone with a high performance sports car may pay more. Someone with both auto and homeowners insurance with the same company may pay less due to discounts. Someone with an accident free record may pay less. So, yes any given policy may be charged more or less. But the consistency of the low rates for \$50,000/\$100,000 by major auto insurers demonstrates that the actuarial cost of additional coverage for responsible drivers is small for a substantial increase in benefits.

Driving is a privilege that carries a potential for causing serious injuries. Hawaii was once a leader in providing adequate levels of minimum protection for its citizens. Exorbitant premiums in the 1990s forced multiple reductions in benefits. With insurance now relatively cheap and readily available for the past 15 years, it is time to revisit raising minimum levels to more adequately reflect the dangers associated with cars.

Thank you very much for allowing me to testify in Support of this measure.

Please feel free to contact me should you have any questions or desire additional information.