



June 27, 2023

via email: legislative.secretary@exec.ny.gov

Hon. Elizabeth Fine
Counsel to the Governor
NYS Capitol - Executive Chamber
Albany, New York 12224

Dear Ms. Fine:

RE: S5764B (Breslin) / A4668B (Weprin)

AN ACT to amend the insurance law, in relation to using driving history as a rating or underwriting factor for private passenger motor vehicle insurance.

The New York Insurance Association (NYIA), the state trade association that has represented the property and casualty insurance industry in New York for more than 140 years, is **OPPOSED** to the above-captioned bill.

More specifically, this bill, as written, creates serious complications and costs for the issuance or renewal of a policy of private passenger automobile insurance in New York State.

Pursuant to this bill, no insurer who utilizes an applicant's driving history as a rating or underwriting factor for private passenger motor vehicle insurance in this state, shall bind a policy of insurance, or accept a percentage of the annual premium due for a policy, without first making a good faith effort to verify said applicant's driving history, as well as the driving history of all named drivers that are used to rate the policy and are listed by the applicant on the private passenger motor vehicle insurance application, through the use of a third-party database.

Under this ill-considered language, an insurance company must request and pay for the production of the driving record, not only of the named insured on the policy, but also for all other named authorized drivers on the vehicle(s) in question, for both new and renewed policies despite the fact that there are circumstances where a person's driving history would not be available, or it would not make sense to request verification of a person's driving history.

The verification of an insured's driver's history typically costs \$7 per driver per verification check. This would mean that a driving family of four, could face an additional cost of \$28 each and every time they purchased or renewed their insurance. As car insurance is typically issued and renewed on a six-month basis, this bill could impose an additional \$56 cost on such family each year.

As a result, without changes to the language of this bill, as aforementioned, which were discussed to the legislature before the bill's end of session passage, without effect, **NYIA cannot support this legislation as written, and respectfully requests that the Governor veto this bill.**

Sincerely,

A handwritten signature in black ink that reads "Ellen Melchionni".

Ellen D. Melchionni
President