



UTAH STATE SENATE

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February 6, 2004

Mr. President:

The Business and Labor Committee reports a favorable recommendation on **S.B. 52**, INSURANCE AMENDMENTS - LOSS HISTORIES AND INQUIRIES, by Senator T. Hatch, with the following amendments:

1. *Page 2, Lines 33 through 34:*

33 (a) a telephone call or other inquiry that does not result in the insured
34 ~~[[demanding]]~~ requesting the
34 payment of a claim; or

2. *Page 4, Line 120 through Page 5, Line 123:*

120 (c) Unless the conditions of Subsection (4)(b)(iii) or (iv) apply, an insurer may not
fail
121 to renew an insurance policy as a result of a telephone call or other inquiry that:
122 (i) references a policy coverage; and
123 (ii) does not result in the insured ~~[[demanding]]~~ requesting payment of a
claim ~~[being filed or paid]~~.

3. *Page 7, Lines 191 through 200:*

191 (ii) A numerical value, categorization, or classification described in Subsection

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192 (1)(c)(i) is a score if it is developed to predict the likelihood of future insurance claims
193 regardless of whether it is developed to predict other factors in addition to predicting
194 ~~[[the]]~~ future
insurance claims.

195 (2) (a) An insurer may not make an adverse eligibility or rate decision related to
196 personal lines insurance in whole or in part on the basis of:

197 (i) a report by a loss reporting agency of a loss if the loss did not result in the
insured

198 ~~[[demanding]]~~ requesting the payment of a claim;

199 (ii) a ~~[[report]]~~ telephone call or other inquiry by an insured of a loss if
the loss did not result in the insured ~~[[demanding]]~~ requesting
200 payment of a claim;

4. *Page 7, Line 212 through Page 8, Line 223:*

212 (3) (a) If an insurer uses a score that is derived from information obtained from a
loss

213 reporting agency or an insured, the insurer shall file with the department a ~~[[summary~~
~~of]]~~ certification that the

214 method used to derive the score ~~[[:~~

215 ~~—(i) that is in sufficient detail so that the department can determine whether the~~
~~score~~

216 ~~complies with Subsection (2)(a)(iv); and]]~~ complies with the provisions of
Subsection (2)(a)(iv).

217 ~~[[ii]]~~ (b) The insurer shall file a certification required under Subsection
(3)(a) within 30 days of the day on which the score described in Subsection
(3)(a) is first used by the insurer.



218 ~~[(b)]~~ (c) The department shall classify a ~~[[~~
 ~~summary]]~~ certification filed under this Subsection (3) as a
219 protected record under Subsection 63-2-304(2) except that the insurer is not required to
 file the
220 information specified in Section 63-2-308.
221 ~~[(c)]~~ (d) In accordance with Title 63, Chapter 46a, Utah Administrative
 Rulemaking Act, the
222 commissioner shall make rules providing for the form and procedure of filing the
 ~~[[summary]]~~ certification
223 required by Subsection (3)(a).

Respectfully,

Parley Hellewell
Committee Chair

Voting: 6-0-2

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