

Arkansas Insurance Department

Mike Beebe
Governor



Jay Bradford
Commissioner

June 1, 2012

VIA E-MAIL & MESSENGER

Mr. David Ferguson
Director
Bureau of Legislative Research
State Capitol, Room 315
Little Rock, AR 72201

**RE: 2012 Annual Report to the Legislative Council and the Senate and House
Committees on Insurance and Commerce of the Arkansas General Assembly
“Use and Impact of Credit in Personal Lines Insurance Premiums”**

Dear Mr. Ferguson:

Ark. Code Ann. § 23-67-415 requires the Commissioner to conduct an annual study detailing the State of Arkansas's use and impact of credit in personal lines insurance premiums and to report the findings to the Legislative Council and the Chairs of the Senate and House Insurance and Commerce Committees. In compliance, please see the enclosed report for the calendar year ending 2011.

If you have any questions regarding this report, please contact Insurance Deputy Commissioner Dan Honey at (501) 371-2766 or dan.honey@arkansas.gov.

Very truly yours,


Jay Bradford
Insurance Commissioner

JB:sc

cc: The Honorable Mike Beebe, C/O Mr. James Miller, Regulatory Liaison, Office of the Governor
Ms. Carol Stapleton, Legislative Council Liaison, Bureau of Legislative Research (3 copies)
Ms. Lenita Blasingame, Insurance Chief Deputy Commissioner
Mr. Bill Lacy, Insurance Deputy Commissioner & General Counsel
Ms. Alice Jones, Public Information Manager

A REPORT TO THE LEGISLATIVE COUNCIL AND THE
SENATE AND HOUSE COMMITTEES ON INSURANCE AND
COMMERCE OF THE ARKANSAS GENERAL ASSEMBLY (AS
REQUIRED BY ACT 1452 OF 2003)

USE AND IMPACT OF CREDIT IN PERSONAL
LINES INSURANCE PREMIUMS PURSUANT TO
ARK. CODE ANN. § 23-67-415



Prepared by: Dan Honey, Deputy Commissioner, Compliance
Arkansas Insurance Department

Approved by: Jay Bradford, State Insurance Commissioner

Date Submitted: June 1, 2012

**2012 REPORT TO THE LEGISLATURE REGARDING THE USE AND IMPACT OF
CREDIT IN PERSONAL LINES INSURANCE PREMIUMS PURSUANT TO ARK.
CODE ANN. § 23-67-415 (Act 1452 of 2003)**

INTRODUCTION

Ark. Code Ann. § 23-67-415 (Act 1452 of 2003) requires all property and casualty insurance companies that write certain personal lines insurance products and use consumer credit information to annually report its effect on premiums not later than March 31 of each year.

In 2004, the Commissioner issued a Bulletin requiring all companies writing personal lines and using credit to file a report providing the required information¹.

THE ACT

Act 1452 of 2003 (the Act) is commonly referred to as the NCOIL² Model which was developed to address the use of credit and insurance scoring in personal lines insurance. The Act covers both the use of credit in determining a consumer's premium and the use of credit in underwriting. The Act prohibits several types of events from being considered when evaluating a consumer's credit;³ affords many rights to the consumer⁴ consistent with the Federal Fair Credit Reporting Act (FCRA);⁵ requires a specific notice to the consumers who are applying for insurance⁶ and imposes, consistent with existing law, certain actuarial justifications that must be met before a company may use credit⁷.

The effect of credit information derived from a consumer report is outlined in this report. Credit derived from a consumer report may be used in underwriting and rating personal lines of insurance⁸. To the extent credit information is used, it cannot be the sole factor in determining whether someone can obtain insurance or the amount to be paid for the coverage⁹. The FCRA determines what constitutes a consumer report and provides safeguards for correcting errors in a database containing a consumer's credit, personal, or lifestyle information. Arkansas adds an additional notice when a consumer applies for insurance or seeks a quote. This notice informs the consumer that credit will be used in conjunction with other factors to determine whether coverage will be offered and at what price.

¹ Bulletin 14-2004, Use of Credit Information under Ark. Code Ann. § 23-67-415 in Personal Insurance (attached as Exhibit 7 to this report)

² National Conference of Insurance Legislators

³ Ark. Code Ann. §§ 23-67-405 and 411

⁴ Ark. Code Ann. §§ 23-67-406 and 408

⁵ 15 U.S.C. §§ 1681 *et seq.*

⁶ Ark. Code Ann. § 23-67-407

⁷ Ark. Code Ann. §§ 23-67-201 through 212, 405 and Rule 23

⁸ 15 U.S.C. § 1681a(d)(1)(A)

⁹ Other factors considered usually involve past claims history, the specific property to be insured, the value of the property, driving experience and other factors related to the risk. Credit is simply one of the many factors considered.

COMPILATION OF DATA

Insurers required by the Act to report to the Commissioner, must provide:

- (1) Policies written during the preceding year;
- (2) Policies that received a premium increase due to credit scoring during the preceding year;
and
- (3) Policies that received a premium decrease due to credit scoring during the preceding year.

All insurers using credit as a rating component reported by the following lines as required by the Act.

- Private Passenger Automobile
- Homeowners
- Motorcycle
- Non-commercial Dwelling/Fire
- Non-commercial Farmowners
- Personal Watercraft
- Boat
- Snowmobile
- Recreational Vehicle

In 2011, 179 companies reported premium derived from personal lines of insurance. Total premium for those lines during 2011 exceeded \$2,147,034,513.

Of those:

- 133 insurers writing \$2,107,050,311 in premium utilized credit in determining the final premium.
- 46 insurers writing \$39,984,202 in premium did not utilize credit in determining the final premium.

AGGREGATE TOTALS FOR ALL PERSONAL LINES

During 2011 for all personal lines coverages:

- 3,184,401 policies were written or renewed that involved the use of credit as one of the factors contributing to the final premium.
- 1,355,039 policies (43%) resulted in the premium being decreased.
- 404,678 policies (13%) resulted in the premium being increased.
- In the remaining 1,424,684 policies (45%), credit was a neutral factor and did not contribute to or change the final premium.
- For those policies in which credit played some role in determining the final premium, those receiving a decrease outnumbered those who received an increase by 3.35 to 1.
- 87% of consumers either received a discount for credit or it had no effect on their premium.

PRIVATE PASSENGER AUTOMOBILE INSURANCE AND CREDIT

During 2011 for private passenger automobile coverages:

- 2,137,314 policies were written or renewed that involved the use of credit as one of the factors contributing to the final premium.
- 955,959 policies (44.7 %) resulted in the premium being decreased.
- 295,761 policies (13.8%) resulted in the premium being increased.
- In the remaining 885,594 policies (41.4%), credit was a neutral factor and did not contribute to or change the final premium.
- For those policies in which credit played some role in determining the final premium, those receiving a decrease outnumbered those who received an increase by 3.23 to 1.
- 86.2% of consumers either received a discount for credit or it had no effect on their premium.

HOMEOWNERS INSURANCE AND CREDIT

During 2011 for homeowners coverages:

- 640,241 policies were written or renewed that involved the use of credit as one of the factors contributing to the final premium.
- 261,615 policies (40.9%) resulted in the premium being decreased.
- 84,590 policies (13.2%) resulted in the premium being increased.
- In the remaining 294,036 policies (45.9%), credit was a neutral factor and did not contribute to or change the final premium.
- For those policies in which credit played some role in determining the final premium, those receiving a decrease outnumbered those who received an increase by 3.09 to 1.
- 86.8% of consumers either received a discount for credit or it had no effect on their premium.

OTHER PERSONAL LINES

During 2011, for other personal lines:

- 406,846 policies were written or renewed that involved the use of credit as one of the factors contributing to the final premium.
- 137,465 policies (33.8%) resulted in the premium being decreased.
- 24,327 policies (6%) resulted in the premium being increased.
- In the remaining 245,054 policies (60.2%), credit was a neutral factor and did not contribute to or change the final premium.
- For those policies in which credit played some role in determining the final premium, those receiving a decrease outnumbered those who received an increase by 5.65 to 1.
- 94% of consumers either received a discount for credit or it had no effect on their premium.

SUMMARY

Act 1452 required each insurance company using credit as a component in determining an insured's premium to report to the Commissioner. A compilation of these reports indicate three-fourths of the insurers writing personal lines insurance utilize consumer credit. The data also indicates that 87% of consumers whose premium involved a credit component either received a lower premium or their premium was unaffected. Overall 43% of consumers received some decrease in their premium as opposed to only 13% who received some increase in their premium.

The companies using credit wrote 98.1% of the personal lines premium volume in Arkansas during 2011.

EXHIBITS

The following are attached as exhibits to this report:

- Exhibit 1: Results for Insurers Using Credit
- Exhibit 2: Results for Insurers Using Credit – Other Lines
- Exhibit 3: Impact of Credit – All Personal Lines
- Exhibit 4: Impact of Credit - Percent
- Exhibit 5: Credit Use in Private Passenger Auto
- Exhibit 6: Credit Use in Homeowners
- Exhibit 7: Changes from 2010
- Exhibit 8: Bulletin 14-2004

Exhibit 1
Results for Insurers Using Credit

Personal Lines	Private Passenger Auto	Homeowners	Other	Totals
Policies written during the preceding calendar year	2,137,314	640,241	406,846	3,184,401
Policies that received a premium increase due to credit scoring during the preceding calendar year	295,761	84,590	24,327	404,678
Policies that received a premium decrease due to credit scoring during the preceding calendar year	955,959	261,615	137,465	1,355,039
Policies upon which Credit had no effect	885,594	294,036	245,054	1,424,684

Effect of Credit - Percent	Private Passenger Auto	Homeowners	Other	Totals
No Effect	41.4%	45.9%	60.2%	44.7%
Increase	13.8%	13.2%	6.0%	12.7%
Decrease	44.7%	40.86%	33.8%	42.6%
Total Neutral and Decrease	86.2%	86.8%	94.0%	87.3%
Ratio Decrease:Increase	3.23:1	3.09:1	5.65:1	3.35:1
Decreases as a percent of subset of policies where credit affected the final premium	76%	76%	85%	77%

Exhibit 2
Results for Insurers Using Credit – Other Lines

Other Personal Lines Using Credit	Motorcycle	Mobile Home	Non Commercial Dwelling/Fire	Non Commercial Farmowners	Personal Watercraft	Boat	Snow mobile	Recreational Vehicle	Totals
Policies written during the preceding calendar year	74,529	28,931	149,143	4,548	5,453	82,562	586	61,094	74,529
Policies that received a premium increase due to credit scoring during the preceding calendar year	10,843	2,279	4,372	27	0	5,332	155	1,319	10,843
Policies that received a premium decrease due to credit scoring during the preceding calendar year	47,298	8,339	38,961	2,512	11	26,966	116	13,262	47,298
Policies upon which Credit had no effect	74,529	28,931	149,143	4,548	5,453	82,562	586	61,094	74,529

Effect of Credit - Percent	Motorcycle	Mobile Home	Non Commercial Dwelling/Fire	Non Commercial Farmowners	Personal Watercraft	Boat	Snow mobile	Recreational Vehicle	Totals
No Effect	22%	63%	71%	44%	N/A	61%	N/A	76%	60%
Increase	15%	8%	3%	1%	N/A	6%	N/A	2%	6%
Decrease	63%	29%	26%	55%	N/A	33%	N/A	22%	34%
Total Neutral or Decrease	85%	92%	97%	99%	N/A	94%	N/A	98%	94%

Ratio Decrease:Increase	4.36:1	3.66:1	8.91:1	93.04:1	N/A	5.06:1	N/A	10.05:1	5.65:1
Decreases as a percent of subset of policies where credit affected the final premium	81%	79%	90%	99%	N/A	83%	N/A	91%	85%

Exhibit 3

Impact of Credit - ALL Personal Lines

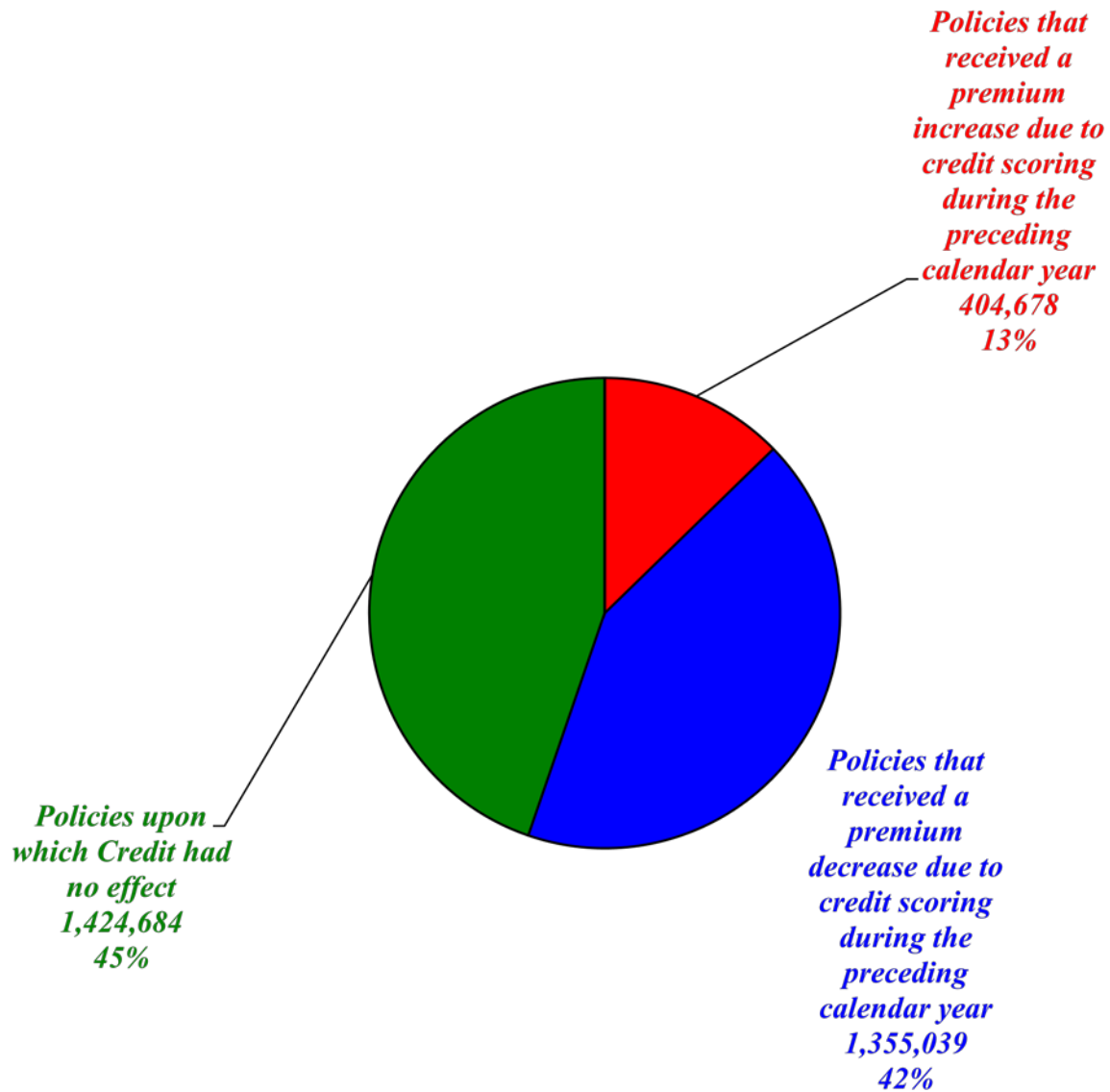


Exhibit 4

Impact of Credit - Percent

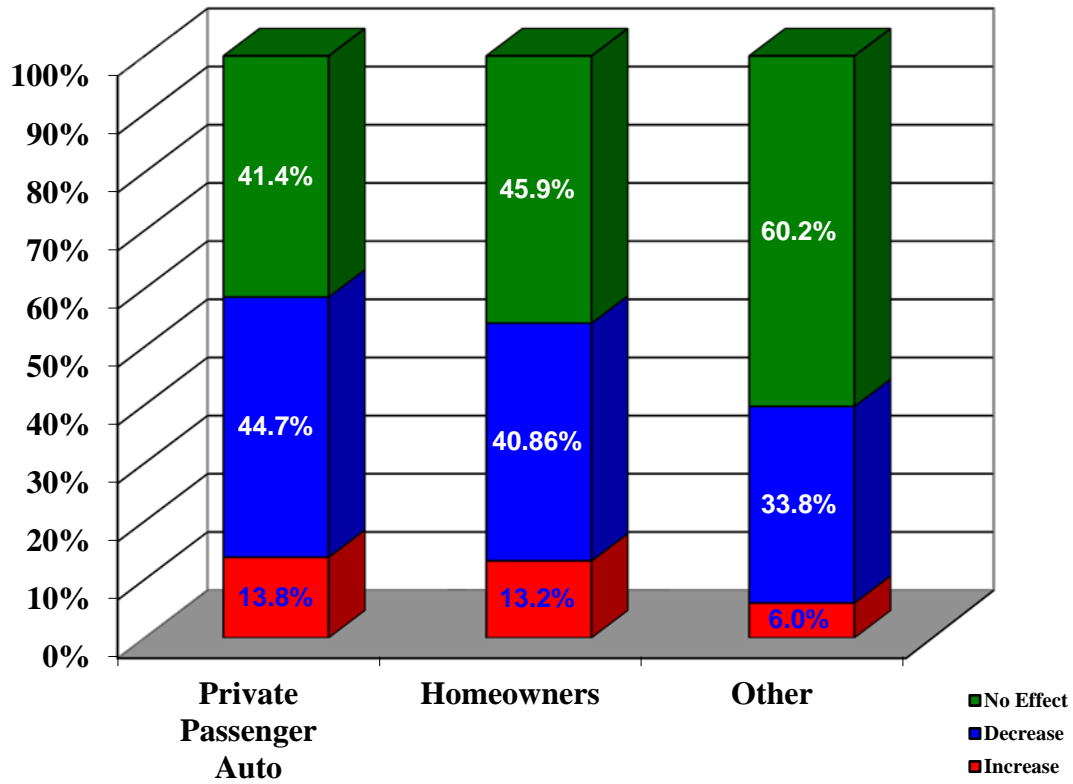


Exhibit 5

Credit Use in Private Passenger Auto

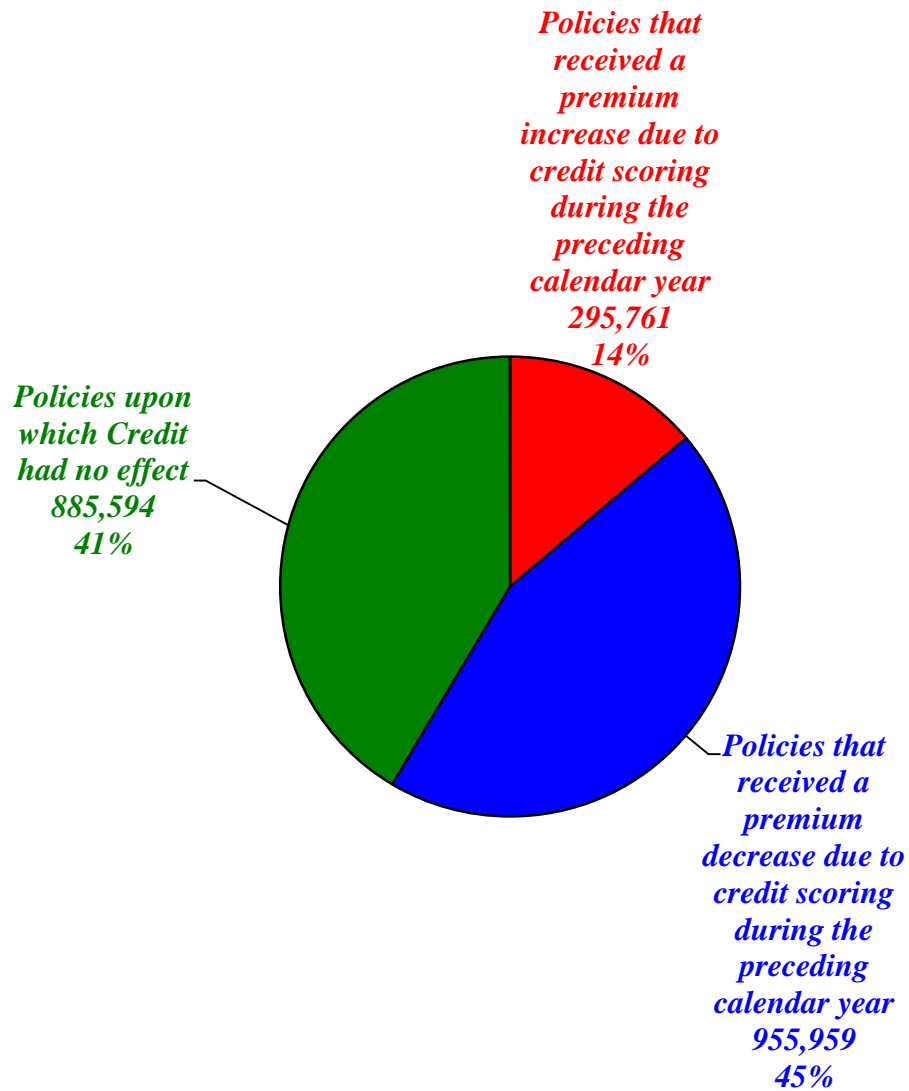


Exhibit 6
Effect of Credit - Homeowners

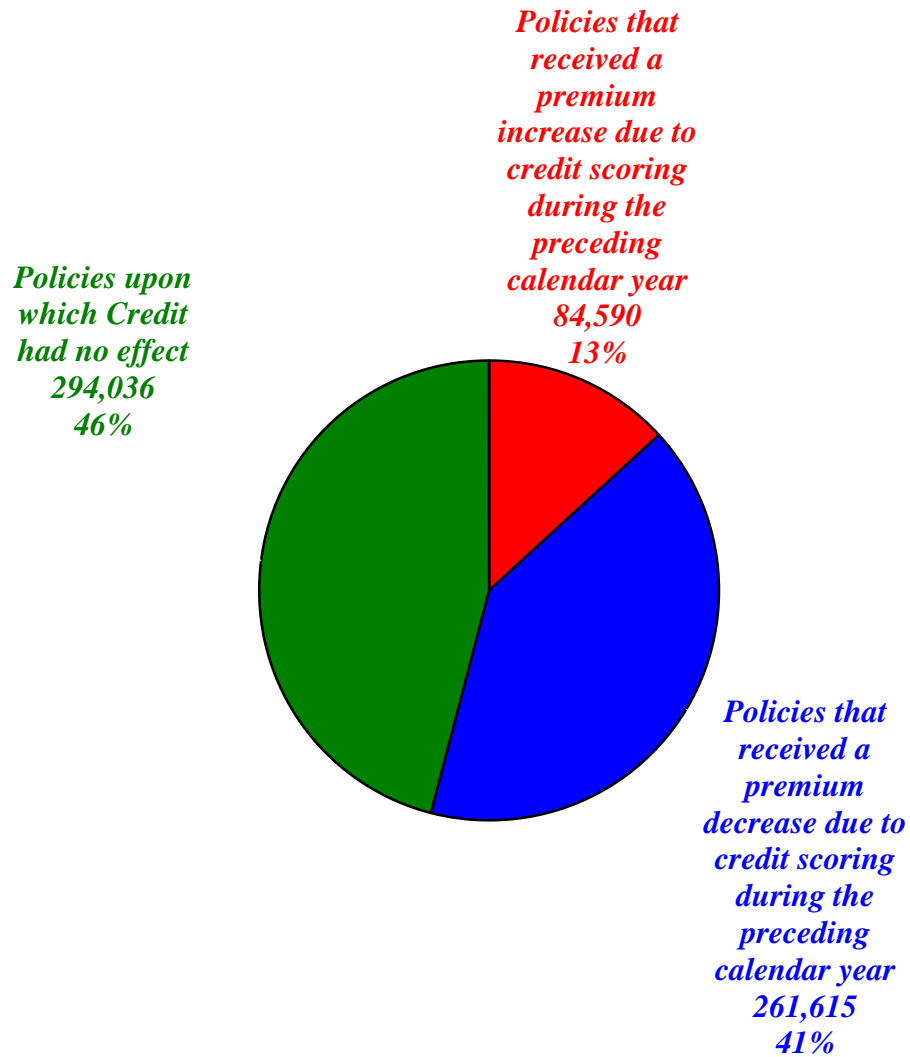


Exhibit 7
Changes from 2010

2010 Data Companies Using Credit Policies	Private Passenger Auto	Homeowners	Other	Totals
	2,133,725	635,292	398,650	3,167,667
Increases	270,868	82,122	31,113	384,103
Decreases	969,353	253,200	126,876	1,349,429
No Effect	893,504	299,970	240,661	1,434,135

2011 Data Companies Using Credit Policies	Private Passenger Auto	Homeowners	Other	Totals
	2,137,314	640,241	406,846	3,184,401
Increases	295,761	84,590	24,327	404,678
Decreases	955,959	261,615	137,465	1,355,039
No Effect	885,594	294,036	245,054	1,424,684

Difference between years Data Companies Using Credit Policies	Private Passenger Auto	Homeowners	Other	Totals
	3,589	4,949	8,196	16,734
Increases	24,893	2,468	-6,786	20,575
Decreases	-13,394	8,415	10,589	5,610
No Effect	-7,910	-5,934	4,393	-9,451

Difference between years Data Companies Using Credit Policies	Private Passenger Auto	Homeowners	Other	Totals
	0.2%	0.8%	2.1%	0.5%
Increases	9.2%	3.0%	-21.8%	5.4%
Decreases	-1.4%	3.3%	8.3%	0.4%
No Effect	-0.9%	-2.0%	1.8%	-0.7%

Exhibit 8



Arkansas Insurance Department

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Mike Huckabee
Governor

Mike Pickens
Commissioner

December 15, 2004

BULLETIN NO. 14-2004

TO: ALL LICENSED PROPERTY AND CASUALTY INSURERS, NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, TRADE ORGANIZATIONS, AND OTHER INTERESTED PARTIES

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: USE OF CREDIT INFORMATION UNDER ARK. CODE ANN. § 23-67-415 IN PERSONAL INSURANCE FOR PRIVATE PASSENGER AUTO, HOMEOWNERS, MOTORCYCLE, MOBILE HOME, NON COMMERCIAL DWELLING/FIRE, NON COMMERCIAL FARMOWNERS, PERSONAL WATERCRAFT, BOAT, SNOWMOBILE, RECREATIONAL VEHICLES

EFFECTIVE DATE: DECEMBER 15, 2004

Arkansas Code Annotated § 23-67-415 requires that no later than March 31 of each year, each insurance company writing any personal insurance that uses credit-scoring information shall report to the Insurance Commissioner for each personal insurance type listed in § 23-67-404(9) the number of:

- (1) Policies written during the preceding year;
- (2) Policies that received a premium increase due to credit scoring during the preceding year; and
- (3) Policies that received a premium decrease due to credit scoring during the preceding year.

This subchapter applies to personal insurance and not to commercial insurance or any other type of insurance. "Personal insurance" means private passenger automobile, homeowners, motorcycle, mobile home owners, noncommercial dwelling fire insurance, noncommercial farm owners, boat, personal watercraft, snowmobile, and recreational vehicle policies. If your company does not write any of the lines of insurance included in this definition of "personal insurance" nor have any policies in force and effect covering said lines at any time during the period covered by the report, please notify the Property and Casualty Division of that fact prior to the March 31st due date. Such notification shall be considered meeting the reporting requirements of the Act.

Information filed with the commissioner under this section by an insurance company shall be treated as proprietary information and is exempt from public disclosure.

Attached to this Bulletin is a suggested form upon which to report the required information. This form will be available on our website at www.accessarkansas.org/insurance/pdf/bulletin_14_2004.pdf and we can furnish it as an attachment to an email as well.

If you should have any questions, please contact Alexa Grissom or Becky Harrington, Property and Casualty Division, at (501) 371-2800 or alexa.grissom@arkansas.gov or becky.harrington@arkansas.gov or fax at (501) 371-2748.

(signed by Mike Pickens)

December 14, 2004

MIKE PICKENS
INSURANCE COMMISSIONER

DATE