

Legislative update-March 2006

The Connecticut General Assembly's Insurance and Real Estate Committee recently held several public hearings, at which testimony concerning various bills of interest was presented. The following are summaries of several key bills.

Financial responsibility limits. PIACT is pleased to report that the committee unanimously voted to approve S.B. 410, legislation that PIACT initiated. The bill seeks to increase the minimum required coverage for bodily injury liability to \$25,000 per person and \$50,000 per accident, and property damage liability to \$25,000 per accident. The bill is now set for eventual debate by the House and Senate.

Homeowners inquiries and claims. Another bill initiated by PIACT unfortunately did not fare well. PIACT testified in support of S.B. 427, entitled "An Act concerning homeowners insurance rating practices based on claims and claims inquiries," but the bill met opposition and did not make it out of committee. The bill's purpose was to strengthen the protections available to homeowners insureds by preventing insurers from taking adverse actions based on events such as

PIACT names officers and directors for 2006-2007

PIACT elected officers during the 2006 Annual Convention at Foxwoods Resort Casino in Mashantucket, Conn., March 13-14.

Following are the new officers who will lead PIACT in 2006-2007: **President—John DiMatteo**, **CFP, CCPS**, president of A.A. DiMatteo Insurance Service Center with offices in Trumbull, Orange and Bethany; **President-elect—Christopher Wilson, CIC**, general manager for C.V. Mason & Co., Bristol; **Vice President—James Goodman, CIC**, president of Goodman Insurance Inc., Shelton; **Vice President— Michael F. Keating, CIC**, president of Michael J. Keating Agency Inc., W. Hartford; **Treasurer—Diane L. Eger**, vice president of Orange Insurance Center, Orange; **Secretary— Howard Olderman**, vice president and producer of Olderman and Hallihan Agency Inc., Ansonia; and **immediate past President—Joseph Bishop III, CPIA**, vice president and secretary of simple inquiries by insureds or reported claims for which no payment is ever made.

Flex rating. An amended version of H.B. 5463 recently was approved by the Insurance and Real Estate Committee and will now move on. The bill, which is based on an National Conference of Insurance Legislators model act, originally sought to allow certain insurance rates to be effective when filed with the Insurance Commissioner if the overall state-wide rate increase or decrease does not exceed 12 percent in the aggregate. As amended, the bill now proposes a flex-rating band of only 4 percent and also contains a two-year sunset provision that would require the bill's effectiveness to be re-evaluated after being in place for two years.

Sole proprietors. PIACT also submitted testimony regarding H.B. 5594, "An Act concerning workers' compensation coverage for sole proprietors." The bill sought to prohibit insurance companies from issuing workers' compensation policies to sole proprietors that do not include coverage for claims made by the sole proprietor. PIACT questioned the context and purpose of the bill, *(Continued on page 4.)*

Associated Insurance Agencies Inc., Hamden

Seven Connecticut agents also were re-elected to serve on the board of directors. The following individuals were re-elected to serve for a three-year term: James Berliner, CPCU, president of Berliner-Gelfand & Co., Inc. and managing member of Berliner Fitelson Insurance LLC, both of Bridgeport; J. Kyle Dougherty, CIC, president of Dougherty Insurance Agency Inc., Stratford; Gary O'Brien, CPCU, AAI, co-owner and manager of O'Brien, Russo, Quint Agency, Watertown; Brian Schmitt Sr., president of Curtiss, Crandon & Moffette Inc., Trumbull; Nathan Shippee, executive director of Connecticut Healthcare Services, Wallingford; Kieran Theissen, CIC, vice president of Abercrombie, Burns, McKiernan & Co. Insurance Inc., Darien; Christopher Wilson, CIC, CLU, CPCU, president and general manager for C.V. Mason & Co., Bristol.-Cramer

Association

Train with the best!

Register for PIA's vigorous prep course to ensure that you are ready to take the state exam. This six-day course provides all the approved information and preparation hours required to pass the Connecticut Property/Casualty state licensing exam.

Get ready for CTYIP Springfest

Gain high visibility, optimum networking opportunities and statewide exposure with a sponsorship at the Connecticut Young Insurance

Professionals 2006 Springfest at Lyman Orchards Golf Club in Middlefield, Tuesday, May 9. Sponsor support has helped Springfest become one of the premier industry events of the year. You can promote your agency or company and support CTYIP at the same time! Costs range from \$125 to sponsor a hole

May Lunch 'n' Learn sneak preview

The Flood Insurance Lunch 'n' Learn was an eye-opening teleconference in January! Don't miss the critical follow-up! The main intent of the National Flood Insurance Program is to be a landmanagement program. The flood plain management concept is an integral part of the program that mandates building to certain elevations in recognized high hazard flood areas.

This Lunch 'n' Learn will discuss: elevation requirements, including the concepts of first floor, The course will be held June 5-7 and 12-14 in Cromwell. Attendees must participate both weeks to meet the state's pre-licensing requirements. Visit the PIACT Web site and click on "Education" for more information.-Hoesten

up to \$400 for a refreshment cart sponsorship.

Sponsors are recognized with signage at the event, recognition at the awards presentation following golf, and for a full year on the CTYIP Web site in the event wrap-up. Contact us now at (800) 424-4244, ext. 273, while sponsorships are still available! Or, visit us at www.ctyip.org/resources/springfest brochure06.pdf for additional information and a registration brochure.—*Vierschilling*

base-flood elevation and building style; and the NFIP Elevation Certificate itself will be reviewed, including required use, who can complete and where to get one. Also, the new 2006 edition of the NFIP Elevation Certificate will be presented.

Stay informed as hurricane season approachesregister your office today. For more information logon to the PIACT Web site and click on the "Education" button and then "Lunch 'n' Learn Central."-Hoesten

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PIACT Industry Resource Center What are your policyholders' rights?

PIACT's Industry Resource Center fields numerous inquiries from members regarding cancellations and nonrenewals for reasons other than nonpayment.

Connecticut P&C Bulletin 42, states

"If an insurer intends to continue a risk, either commercial or personal, but under terms or conditions less favorable than previously provided, the insurer must notify the insured by either sending a notice of nonrenewal or a conditional renewal notice." Further, the bulletin specifies that a conditional renewal notice is appropriate in situations such as an increase in a policy's deductible, a decrease in the limits of coverage or a new exclusion or deletion of coverage.

To learn more about Connecticut's



cancellation/nonrenewal rules, along with a checklist to ensure your carriers are following the statutes/ regulations, logon to www.piaonline.org and use the QuickSource Quick-Link

to request **QS06068**, or fax PIA's Industry Resource Center at (888) 225-6935.—Albright

Association (Continued)

Several individuals honored at PIACT Annual Convention

Representative Brian O'Connor, of the 35th Assembly district, was awarded **Legislator of the Year** from PIACT at the association's annual convention at Foxwoods Resort Casino in Mashantucket.

O'Connor is a liaison at the Middlesex Chamber of Commerce, where his role as liaison has him working to persuade members of both the House and Senate to support measures that help small businesses, trades and economy. He currently is co-chair of the Legislature's Insurance and Real Estate Committee. He also is a member of the Appropriations and Transportation Committees.

Robert Marvin, CIC, marketing representative for Quincy Mutual, was named this year's **PIACT Company Professional of the Year.** This award is presented to the company representative who best fosters a sound working relationship between insurance agents and companies, and who exemplifies a commitment to professionalism and service as a company representative.

Nicholas A. Fanelli, CPCU, CLU, CIC, president of Raynard & Peirce Inc., North Canaan, received the

CTYIP elect officers and directors at Annual Convention

Officers of the Connecticut Young Insurance Professionals were elected during the PIACT Annual Convention at Foxwoods Resort Casino in Mashantucket, March 13-14.

Julius Whitehead of Housing Insurance Services, Cheshire, will serve as president; David Woodmansee, CIC, of Woodmansee Insurance, Wyoming, R.I., will serve as president-elect; Don Perillo of The Distel Group, Farmington, will serve as vice president; Raymond Snow of Middlesex Mutual Assurance Co., Middletown, will serve as treasurer; and Angela Brunetti, CISR, of The John M. Glover Agency, Norwalk, will serve as secretary. **PIACT Professional Agent of the Year** award. This award goes to an agent who has demonstrated excellence and achievement in insurance marketing and service, has shown a personal commitment to professionalism and has contributed to PIA and the community.

Fanelli has been active in PIACT since 1970. Currently, he serves as technical/company vice chairman of the Industry/Technical Committee. Fanelli also is a member of PIACT Political Action Committee. In 2003, Fanelli was named PIACT's Committee Chairperson of the Year. This award recognizes an individual who best demonstrates dedication and effort in chairing one of PIACT's committees. He was honored for his work as chair of the Industry/Technical Committee.

PIACT presented **Brian J. Schmitt Sr.**, president of Curtiss, Crandon & Moffette Inc., Trumbull, with the **Committee Chairperson of the Year** award. Schmitt was honored for his service as convention chair of the Association Programs Committee. This award honors the PIACT volunteer who best demonstrates dedication and effort in chairing one of PIACT's committees. —*Cramer*

CTYIP also elected to its board of directors Lucy Andrade of Goodman Insurance, Shelton; Marsha Azukas of Crystal Restoration Services, Southington; and Francis (Bud) O'Neil, CPIA, of C.V. Mason & Co., Bristol, for two-year terms. Re-elected for two-year terms were Angela Brunetti, CISR; Kim Gorobzov of Patrons Mutual Insurance, Glastonbury; Julius Whitehead; and David Woodmansee, CIC. Re-elected to oneyear terms were Scott Cronin of J.C. Bradley and Son, Fairfield; Ken Distel and Don Perillo of the Distel Group, Farmington; Raymond Snow; and Kimberly Tompkins, CIC, AIS, PHM, ACSR, CPIW, CPIA, DAE, of Housing Insurance Services, Cheshire.—*Cramer*

We want to know what you think!

Our publications, the *Extra Edition, Reporter, eReporter* and *PIA magazine,* are our best opportunity to provide you with the information you need and want. Let us know how we are doing! Are there issues on which you would like more information? Do you think we have done a good job with certain topics? Do you have suggestions or thoughts on our content? E-mail staceya@piaonline.org to tell our communication staff what we can do to make sure you get the most out of your PIA publications.

Association (Continued)

CTYIP honors Brunetti and Snow

Angela Brunetti, CISR, account manager for the John M. Glover Agency, Norwalk, received the CTYIP Professional of the Year award at PIACT's Annual Convention at Foxwoods Resort Casino, Mashantucket, Conn., March 13-14.

This award is presented by CTYIP to honor the hard work and dedication of a member of the association's board of directors who has contributed a great deal of time and talent to help support the association and its programs. CTYIP promotes the professional and personal growth of those new to the insurance field by providing education and networking opportunities.

An active member of CTYIP, Brunetti will serve as secretary of the association for 2006-2007, and also

State

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which would effectively remove a sole proprietor's choice of accepting or foregoing protection under the Workers' Compensation Act. Perhaps due to the lack of a clearly articulated problem to address, the bill failed to make it out of committee.

Interstate Insurance Compact. The committee voted to approve H.B. 5028, this year's attempt to enact the Interstate Insurance Compact. The bill, tabbed by the **Insurance Department** as its top priority, seeks to protect the interests of consumers of individual and group annuity, life insurance, disability income and long-term care insurance products by developing uniform standards for these products. States that adopt the compact would be part of a central clearinghouse to receive and provide prompt review of insurance products covered under the compact. Although the bill was opposed on the premise that it would take important oversight authority relating to these products away from the state, the bill was approved by the committee.

Affiliate insurers. H.B. 5462 was reported out by the committee and seems to have some traction. This bill eliminates the requirement that a property/casualty insurer, including a private-passenger motor vehicle insurer, send a cancellation notice to a policyholder when the insurer transfers the policy to an affiliate insurer as long as 1. there is no interruption of coverage, serves on the board of directors. She served as treasurer of CTYIP in 2005-2006.

Raymond Snow of Tolland, received the **CTYIP Director of the Year** award. Snow is a commercial habitational underwriter for Middlesex Mutual Assurance Company in Middletown.

This award is presented by CTYIP to honor the hard work and dedication of a member of the association's board of directors who has contributed a great deal of time and talent to help support the association and its programs.

An active member of CTYIP, Snow will serve as treasurer for 2006-2007 and also serves on the board of directors.—*Cramer*

(Continued from page 1.)

and 2. the policy issued by the affiliate contains the same terms, conditions and provisions, including policy limits, as the transferred policy. The bill specifies that the transfer does not require the insurer to cancel the policy if these conditions are met.

Extended reporting period coverage. Finally, the committee approved H.B. 5371. The bill permits insurers and insureds to agree in a contract to a retroactive start date for prior acts coverage for a professional liability insurance policy issued on a claims-made basis. Current law is silent as to how far back prior acts coverage must be provided for claims occurring before the policy effective date.

It also requires an insurer that stops issuing policies in Connecticut to provide an insured with prior acts and extended reporting coverage at no additional charge if the insured has been covered by the insurer for the five consecutive calendar years immediately preceding the discontinuance. Currently, the requirements are that the insured has to be over age 55 and has to have been insured by the insurer for the preceding seven calendar years. The bill does not affect the current requirement that an insurer must also provide the coverage at no charge if the insured dies, becomes permanently disabled and unable to carry out his practice, or retires permanently from practice.—*Imbriaco*

National

PIA reaffirms opposition to optional federal charters

PIA National recently reaffirmed its opposition to any proposals that call for a so-called "optional" federal charter for insurers.

The association also initiated a nationwide campaign through its state and regional affiliates to get each state legislature to pass a resolution declaring its support for maintaining the states as the primary insurance oversight authority and regulator of the business of insurance, together with opposition to federal encroachment through creation of a federal insurance regulator or an optional federal charter.

The action was brought forth after it was

PIA applauds increase in NFIP borrowing authority

PIA National applauded approval by the Senate of an increase to \$20.8 billion in the borrowing authority of the National Flood Insurance Program, as well as House committee passage of a bill to reform the program.

On Thursday, March 16, the Senate approved by voice vote legislation allowing NFIP to borrow up to \$20.8 billion from the Treasury, up from the current ceiling of \$18.5 billion. The measure, approved by the House last month, now goes to the president for his signature. Earlier in the day, the House Financial Services Committee passed the Flood Insurance Reform and Modernization Act of 2006 (H.R. 4973), which enacts reforms to the program and increases the borrowing authority further, to \$25 billion.

"The stopgap increase in borrowing authority approved by the Senate along with the comprehensive reform package passed by the House Financial Services Committee gets things moving in the right direction," said PIA Senior Vice President Patricia A. Borowski. "PIA urges President Bush to sign the increase, and then the full House and the Senate should proceed to address reforms."

According to a statement issued by the House Financial Services Committee, should the NFIP run out of money needed to pay the estimated 225,000 claims related to Hurricanes Katrina and Rita, homeowners whose claims are not paid could initiate legal action against the Federal Emergency Management Agency. announced that a bill by Sens. John Sununu, R-N.H., and Tim Johnson, D-S.D., calling for the creation of optional federal charters was expected to be introduced soon.

In a survey of PIA members' views on insurance regulation, an overwhelming majority (83.6 percent) said that having a federal insurance regulator is a bad idea, 88.3 percent expressed support for continuing the current system of functional state-based insurance regulation and 55.1 percent said changes are needed to modernize state insurance regulation. The survey was conducted Sept. 23-29, 2004.—*Aleksejczyk*

NFIP claims liabilities arising from Hurricanes Katrina and Rita are estimated at more than \$24 billion dollars, far surpassing the total claims paid in the entire history of the NFIP.

Many of the reform provisions in H.R. 4973 mirror proposals submitted by PIA on Oct. 20, 2005, to the House Financial Services Committee and the Senate Banking Committee. These include an increase in building property insurance limit maximums and minimum training and education requirements for insurance agents. In addition, the Flood Insurance Producers National Committee, of which PIA is a founding member and serves as rotating chair, has also taken a leadership role in advancing NFIP reform proposals.

Among its provisions, H.R. 4973 would increase maximum coverage limits for flood insurance policies to deal with inflation and the higher cost of housing; extend a pilot program for mitigation of severe repetitive loss properties to 2011; set up a program for the review, update and maintenance of national flood insurance program rate maps; and require FEMA to issue regulations clarifying the applicability of "replacement cost coverage" under the program.

"Moving a common sense reform agenda for the NFIP is one step in addressing the problems the program has been experiencing," Borowski said. "Another step is assuring that needed increases in borrowing authority to pay claims are not held hostage to spur passage of reforms."

National (Continued)

FEMA issues update on recovery process for 2005 hurricanes

The Federal Emergency Management Agency recently issued a progress report on the recovery process following Hurricanes Katrina and Rita. Included in the "by-the-numbers" update are the following.

• More than 81,000 damaged roofs that have been temporarily covered under FEMA's "Blue Roof" program, operated by the U.S. Army Corps of Engineers. The program allows families to remain in their homes as they rebuild.

• FEMA approved more than \$165 million in disaster unemployment assistance for 108,149 eligible hurricane victims in Louisiana who signed up during the application period.

• The SBA has approved more than \$3 billion in disaster assistance loans to 45,275 homeowners and renters in Louisiana.

Geico faces scrutiny over rating practices

In late February, *Newsday* reported that Geico charged more for blue-collar workers policies than it does for college-educated professionals. The company said it considers college-educated customers less of a risk than blue-collar workers, therefore those drivers pay less.

In the most recent challenge, the Consumer Federation of America said it's calling for state regulators to ban the practice. The group says it's unfair and may be discriminatory because it leads to higher rates—sometimes hundreds of dollars more—for many lowerincome and minority drivers.

Connecticut law allows occupation to be considered in rates and only prohibits insurers from using it to deny or nonrenew coverage. The statute says nothing about education level, according to the Connecticut Insurance Department. Insurance Commissioner Susan Cogswell said she expects the National Association of Insurance Commissioners will review the matter.

"It certainly has not impacted their ability to write

• FEMA has paid out \$3.5 billion in financial housing assistance to Louisiana victims, in the form of rental assistance and home repair reimbursement grants.

• FEMA has provided more than \$4.6 billion directly to Louisiana victims of Hurricanes Katrina and Rita for housing and other needs assistance through the Individuals and Households Program. This is more than the \$1.2 billion used for IHP after the 2004 Florida hurricanes.

• To date, FEMA has paid out \$12.4 billion under the National Flood Insurance Program to policyholders in Louisiana.—*Aleksejczyk*

auto insurance in the state of Connecticut," said Cogswell. "We have a highly competitive auto insurance market, and if there was a problem or objection, I think we would have heard about it."

Geico says applicants with any education level are eligible for its lowest rates in its most preferred company. And, a business executive and custodian it insures could easily pay the same rate, based on all the criteria the company uses.

However, the CFA found that price quotes from Geico's Web site varied widely for the same customer when a different job and education level were entered, but all other factors stayed the same.

New Jersey legislators recently introduced legislation, A-2819, that would prohibit automobile insurers from the use of occupation and education as rating factors. The bill also prohibits automobile insurers from requiring applicants and insureds to provide information as to these factors.—*Nash*

For up-to-date industry news and association information, logon to the PIA Web site at www.piaonline.org

Company

Hartford selling Hart Life to ACE

• The Hartford Financial Services Group is getting \$2.75 million from the planned sale of inactive subsidiary Hart Life Insurance Co. to ACE Group Holdings Inc. The Connecticut Insurance Department scheduled a hearing March 30 to discuss the acquisition.

• Zurich American Insurance Co. and its subsidiaries reached a settlement deal with nine state attorneys general and one insurance commissioner stemming from the regulators' investigations into alleged bid rigging and price fixing. Under the terms of the deal, Zurich and its subsidiaries will pay \$171.7 million into a settlement fund and will implement various disclosure and compliance rules. The nine attorneys general that have agreed to the settlement deal are those from California, Florida, Hawaii, Maryland, Massachusetts, Oregon, Pennsylvania, Texas and West Virginia.

• American International Group Inc. reported a fourth-quarter loss of more than 70 percent, compared to last year. Net income for the period was \$444 million, or 17 cents a share, compared to \$1.6 billion, or 62 cents a share. The loss is a result of after-tax charges of more than \$2 billion to cover the settlement with state and federal regulators. The company also said it had after-tax catastrophe losses of \$217 million in the quarter from Hurricane Wilma and spillover from Hurricane Katrina.

• American International Group Inc. announced it will acquire Travel Guard International, a provider of travel insurance programs and emergency travel assistance for an undisclosed amount. AIG also will acquire Mercury International, Travel Guard Americas and Travel Guard Canada brands from the Noel Group.

• Stamford, Conn.-based **Odyssey Reinsurance Holdings Corp.** and its Toronto-based parent company, **Fairfax Financial Holdings Ltd.**, delayed their 2005 year-end results because Odyssey needs to complete several years of finite risk-related restatements. The restatements will impact its financial results for years 2001 through 2004 and the first three quarters of 2005, as a result of altering the accounting treatment for certain ceded finite reinsurance contracts.

• White Mountains Insurance Group Ltd. reported net income fell 93 percent in the fourth quarter of 2005 due to a combination of hurricane losses and decreases in investment and reserve increase. The company reported its net income fell \$152.6 million for the fourth quarter of 2005 to \$12.2 million, or 86 cents a share, from \$154.8 million, or \$15.31 a share in the same quarter, one year previous.

• **CNA Financial** posted a fourth-quarter net loss of \$217 million, compared with net income of \$303 million in the fourth quarter of 2004. The company's financial results were impacted by a \$223 million loss from finite reinsurance contracts and \$37 million in catastrophe losses, primarily related to Hurricane Wilma.

• Tower Group Inc. reported financial results for the fourth quarter and all of 2005. For the year, total revenues increased by 104.1 percent to \$219.8 million, compared to \$107.7 million in 2004. Net premiums earned represented 74.8 percent of total revenues for 2005, compared to 42.3 percent in 2004.

• Citizens Financial Group announced it will sell its insurance agency businesses to Hub International Ltd. Hub will purchase three large insurance brokerages from subsidiaries of CFG, including: Citizens Clair Insurance Group, based in Pennsylvania; and Brewer & Lord and Feitelberg Insurance, both based in Massachusetts for \$80 million (inclusive of tangible net worth) payable in cash on closing, as well as an earn-out based on future performance.

• Hilb Rogal & Hobbs appointed John Lyon as president and chief executive officer of its Connecticut branches, which includes offices in Hartford, Hamden and Old Saybrook. Lyon formerly was vice president, Northeast Region practice leader and national practice team leader for HRH.

• A.M. Best Co. downgraded the debt rating to "ccc" from "b+" of the \$100 million 6.05 percent 30-year surplus notes issued by Atlantic Mutual Insurance Co. (New York). A.M. Best also downgraded the financial strength ratings to B- (Fair) from B+ (Very Good) of the Atlantic Mutual Co. (New York) and its property/casualty subsidiaries. All the above-named companies have been placed under review with negative implications. The ratings reflect the group's larger than expected loss of surplus due to adverse reserve development in its discontinued commercial lines reserves that caused approximately a \$100 million decline in surplus at year-end 2005.—*Aleksejczyk, Nash*

PIACT Calendar of Events

April

• April 11—Waterbury CISR IC: Insuring Commercial Casualty Exposures CTCE: PC7, LRE 1

• April 26-29—Cromwell **CIC Agency Management Institute** *^FF, ^UM* CTCE: PC 17, LRE 3 or LH 17, LRE 3

May

• May 2—North Haven CISR PA: Insuring Personal Auto Exposures CTCE: PC 8

• May 3—Rocky Hill CISR PA: Insuring Personal Auto Exposures CTCE: PC 8 • May 12 —Your office Lunch 'n' Learn Teleconference Series—Flood Insurance Part II

• May 17-20—Windsor CIC Commercial Property Institute CTCE: PC 20

June • June 5-7, 12-14—Cromwell Connecticut P&C Pre-Licensing Course

• June 7—Meriden **CISR AO: Agency Operations** *^FF, ^UM* CTCE: PC 5, LRE 3 or LH 5, LRE 3 • June 8—Vernon **CISR AO: Agency Operations** *^FF, ^UM* CTCE: PC 5, LRE 3 or LH 5, LRE 3

• June 14-17—Mystic **CIC Agency Management Institute** *^FF, ^UM* CTCE: PC 17, LRE 3 or LH 17, LRE 3

To register for a PIACT education program, go online to PIACT's Web site and click the Education link. Or, call the Education and Conference Department at (800) 424-4244.

^FF, ^UM—Or for more information, contact the PIA E&O Department at (800) 424-4244.

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