

**Inside this issue :**

From the President's Desk	P. 1
Rep. Jordan FACI Appointment	P. 4
Life Insurance Awareness Month	P. 4
NCOIL Open Golf Outing Registration	P. 5
Annual Mtg. Registration	P. 6
Stipend Information	P. 6
NCOIL One on One	P. 7
NCOIL YouTube	P. 7
Annual Mtg. Schedule	P. 8



Asm. Ken Cooley, CA
President



Thomas B. Considine
NCOIL CEO



Asm. Kevin Cahill, NY
Vice President

From the President's Desk

Asm. Ken Cooley (CA), NCOIL President

I hope everyone reading this had a great Summer.

It is fair to say that the NCOIL of 2022 looks much more like America than it did just five years ago. At our Phoenix meeting in 2017, the 46 legislators from 25 states included 9 legislators of gender or racial diversity; this represents 19.5% of the total. At our meeting in Jersey City last month, we had 48 legislators from 26 states. They included 23 legislators of gender or racial diversity, which represents 48% of the total. This increase is striking.

Additionally, while always having been a national, bipartisan organization, the legislator attendance numbers have come to demonstrate that fully. The 46 legislators in Phoenix in 2017 included 35 Republicans and 11 Democrats, a split of 76-24%. In Jersey City the 48 legislators included 27 Republicans and 21 Democrats, a split of 56-44%.

The combination of the striking increase in diversity representation and the strong trend toward bipartisan in numbers to match the bipartisan philosophy is something of which NCOIL as an organization, I as President, and we all are very proud. The progress in this area goes hand-in-hand with NCOIL's growth generally in recent years, and is a credit to the affirmative commitment of the officers and staff who have served during this time and worked to execute on the organizational imperative that a more representative NCOIL is a stronger NCOIL. Just as the proof of the pudding is in the eating, it is only through experiencing NCOIL currently that you can fully appreciate these marked changes. I look forward to these positive trends continuing at our upcoming Annual Meeting in New Orleans in November.

Speaking of the Annual Meeting, it's shaping up to be a very busy meeting with several important and timely Model Laws that could be considered for adoption. The Models described below are based on the current versions. Changes to some or all of the Models are expected between now and November.

1.) Paid Family Medical Leave Insurance Model Act, sponsored by Sen. Paul Utke (MN), Chair of the NCOIL Joint State-Federal Relations & International Insurance Issues Committee, and co-sponsored by Rep. Deborah Ferguson, DDS (AR), NCOIL Secretary.

From the President's Desk (cont'd)



Rep. Tom Oliverson MD, TX
Treasurer



Rep. Deborah Ferguson DDS
AR
Secretary



Rep. Matt Lehman, IN
Immediate Past President



Sen. Jason Rapert, AR
Immediate Past President

The Model establishes paid family leave as a class of insurance and would authorize state insurance departments to receive and approve paid family leave policies in states. The Model authorizes insurers who are licensed to transact life insurance or disability insurance business in the state to issue policies covering paid family leave and this would empower employers to be able to give paid family leave to their employees.

The Model is very flexible in that it can be used in states that have mandatory paid family leave requirements for their employers or it can be used in states that don't have the paid family leave requirement, but employers want to offer it as an enhanced benefit to their employees as we see an ever-increasing competitive employment market. Also, the Model is drafted in such a way that it can be adopted just as an authorization statute and then have as a regulation the standards that would go into that policy, or the entirety of it can be put into statute.

2.) Insurance Regulatory Sandbox Model Act, sponsored by Rep. Bart Rowland (KY), Chair of the NCOIL Property & Casualty Insurance Committee, and co-sponsored by Rep. Wendi Thomas (PA), Chair of the NCOIL Articles of Organization & Bylaws Revision Committee and Rep. Tom Oliverson, M.D. (TX), NCOIL Treasurer.

Such sandboxes allow a state agency such as an insurance department to waive certain requirements of a law, regulation, or bulletin if its application would prohibit the introduction of a more innovative or efficient product or service and if the waiver would not put consumers at risk. The main goal of such sandboxes is to reduce regulatory hurdles for companies that want to introduce new concepts and products at the same speed as insurance technology develops.

Some concerns were initially raised as to whether a Model is necessary because there have not been many applications in the states that have these types of sandbox laws. However, after extensive discussion, the Committee decided to move forward with the Model ultimately agreeing that part of the reason why there hasn't been many applications in states is that there is a general lack of awareness of the sandboxes and many of the sandbox statutes were signed into law either right before COVID or soon thereafter so that disrupted things. Also, the Committee has agreed that it is important for the Model to contain a provision allowing for reciprocity meaning that it would permit companies that obtain a sandbox waiver in one state to operate in others without going through the entire application process from scratch.

3.) Delivery Network Company (DNC) Insurance Model Act, sponsored by Rep. Rowland and co-sponsored by Del. Steve Westfall (WV), Vice Chair of the NCOIL Health Insurance & Long Term Care Issues Committee.

In 2015 NCOIL adopted a Model Act to Regulate Insurance Requirements for Transportation Network Companies and Transportation Network Drivers – commonly referred to as the TNC Model. The Model has been one of NCOIL's most successful with it serving as the basis for almost every state's TNC law.

During the last couple of years, delivery network companies, commonly referred to as DNC's, have grown in popularity. The term DNC refers to companies that allow people to use their personal vehicles to deliver food or beverages to your home – companies such as Grubhub or Drizly. This led NCOIL to focus on the need to develop a framework setting forth insurance requirements for DNC's – much like NCOIL did with the TNC model. This is because the TNC model and the state laws based on the model only address transportation of people for hire, not delivery of goods.

From the President's Desk (cont'd)

Future NCOIL Meetings:

Annual 2022
November 16—19
New Orleans, LA
Sheraton New Orleans
Hotel

Spring 2023
March 9 –12
San Diego, CA
The Westin San Diego
Gas Lamp Quarter

Summer 2023
July 19 –23
Minneapolis, MN
Marriot Minneapolis
City Center

Annual 2023
November 15 –18
Columbus, OH
Renaissance Columbus
Downtown Hotel

Insurance protection is essential, but the same level of coverage is not required for a sandwich as there is for a family. The NCOIL DNC Model seeks to address issues such as when insurance coverage for a DNC driver starts and stops; what type of coverage/limits must be maintained; and choice of law issues.

4.) Insurance Underwriting Transparency Model Act, sponsored by Rep. Matt Lehman (IN), NCOIL Immediate Past President.

NCOIL formed a Special Committee on Race in Insurance Underwriting towards the end of 2020. At the Committee's final meeting in July of last year, the Committee, in meeting its charges and therefore sunsetting, adopted a series of resolutions, two of which referred certain issues to NCOIL standing policy committees. One of the resolutions was titled "Resolution Regarding Insurance Score Transparency" and it referred the issue of developing an Insurance Score Transparency Model Law to the NCOIL P&C Committee. Rep. Lehman has moved away from the "insurance score" aspect and instead has focused a bit more broadly on transparency in the underwriting process in general.

The Model is short and fairly straightforward in that it requires the insurer to provide certain information to an applicant who received a declination for insurance coverage from that insurer regarding what information was used to underwrite the applicant. Specifically, upon request from the applicant, the insurer must disclose factors, in no particular order, based on external consumer data most heavily weighed by the insurer in issuing the declination. However, if the insurer uses more than ten (10) such factors, then only the 10 most heavily weighed must be disclosed.

Also, if an insurer takes an adverse action on an existing insured based on external consumer data, the insurer must provide notice to the consumer explaining the reason for the adverse action – and the notice must: include sufficiently clear and specific language so the consumer is able to identify the basis for the insurer's decision to take an adverse action; and those factors, in no particular order, based on external consumer data most heavily weighed by the insurer in calculating a premium; however, if the insurer uses more than ten (10) such factors, then only the 10 most heavily weighed must be disclosed.

5.) Dog Breed Insurance Underwriting Study & Breed Protection Model Act, sponsored by Asm. Kevin Cahill (NY), NCOIL Vice President, and co-sponsored by Rep. Tammy Nuccio (CT).

Laws have been enacted in several states, and bills have recently been introduced in other states, that, generally speaking, focus on how insurers can utilize the breed of a dog in underwriting. Some laws and bills prohibit certain insurers from refusing to issue, cancel, renew, or increase a premium or rate for a policy of insurance based solely on the specific breed or mixture of breeds of a dog that is harbored or owned on an applicable property. There are other approaches focused more on information gathering. For example, Illinois law requires certain insurers to collect certain information relating to claims involving a dog-related incident and annually report that information to the Department of Insurance.

The Model combines the two approaches that states have utilized when addressing this issue which are:

- Prohibiting certain insurers from refusing to issue or renew, cancel, or charge or impose an increased premium or rate for a homeowner's or renter's policy or contract, or exclude, limit, restrict, or reduce coverage under such policy or contract based solely upon harboring or owning any dog of a specific breed or mixture of breeds; and
- Requiring insurers to collect certain information relating to claims involving a dog-related incident and annually report that information to the Department of Insurance.

Future NCOIL Meetings:

Spring 2024
April 11-14
Nashville, TN
Sheraton Grand
Nashville Downtown

Summer 2024
July 17-20
Costa Mesa, CA
Westin South Coast
Plaza

Annual 2024
November 21-24
San Antonio, TX
The Westin Riverwalk

Spring 2025
TBD

Summer 2025
TBD

Annual 2025
November 10-15
Atlanta, GA
The Whitley Hotel

From the President's Desk (cont'd)

- Also, the Model contains provisions which require the Department of Insurance to report to the legislature the information provided to them by insurers – then, upon review, the legislature can determine if any changes should be made to the statute.

I look forward to seeing everyone in New Orleans and working to ensure that NCOIL finishes off 2022 in a great way.

Onward and Upward,

Ken

LOUISIANA REPRESENTATIVE EDMOND JORDAN APPOINTED TO FEDERAL ADVISORY COMMITTEE ON INSURANCE

Belmar, NJ – The Federal Advisory Committee on Insurance (FACI) recently appointed Louisiana Representative Edmond Jordan to its membership. Rep. Jordan, who Chairs the NCOIL Financial Services and Multi-Lines Issues Committee and is a member of the NCOIL Executive Committee, also serves as Vice Chair of the Louisiana House Insurance Committee.

The FACI provides advice and recommendations to the Federal Insurance Office (FIO) in carrying out its duties and authorities. With its members appointed by the U.S. Treasury Department, the Committee is limited to 21 members comprised of current and former state officials, consumer advocates, and other insurance industry experts. More information on FACI can be found [here](#).

“It’s a great privilege to join FACI at such an important time for the insurance marketplace and the economy as a whole. With striking rate increases for homeowners policies here in my home state of Louisiana, I know just how important it is to make sure consumers are protected while still maintaining an effective marketplace” said Rep. Jordan. “Throughout my time at NCOIL, I’ve gained a strong appreciation of the importance of the state-based system of insurance regulation and a thorough knowledge of the unique insurance issues each state faces. I look forward to bringing that perspective to the Federal level”, he concluded.

“Edmond’s proven leadership on insurance issues both at NCOIL and in Louisiana will be a great asset to FACI” stated NCOIL CEO Commissioner Tom Considine. “He has worked on a wide range of insurance issues throughout his career and his knowledge of the current insurance landscape from a state legislative perspective will prove to be very useful in helping guide the Federal Government’s insurance priorities.”

NCOIL Highlights Life Insurance Awareness Month

Belmar, NJ – Congress has designated September as “National Life Insurance Awareness Month”. The National Council of Insurance Legislators (NCOIL) applauds this designation. NCOIL focuses on this campaign to serve as a reminder to families of the value of life insurance and encourage them to perceive life insurance as an investment into their families’ security.

NCOIL President, CA Asm. Ken Cooley stated, “As legislators, it is our primary responsibility to protect consumers; bringing awareness to the importance of life insurance is a vital part of that. The gap between Americans who need life insurance and those who actually have it is far too wide. I encourage everyone to assess their need for coverage and do what they can to help close that gap.”

Cont'd on Page 5

NCOIL Highlights Life Insurance Awareness Month (cont'd)

NCOIL CEO, Commissioner Tom Considine, said, "Having adequate life insurance coverage can provide resiliency during the most unexpected of times." He continued, "Two common perceptions surrounding life insurance are that it is expensive and that it is not needed. However, many people can be insured for the price of a daily cup of coffee."

"NCOIL urges consumers to consult with their financial advisor to get a quote to find a plan that fits their needs and budget. Consumers can choose from among many different varieties of life insurance and the policy can be changed to account for changes in personal or economic circumstances. Everyone should understand the benefits of life insurance and the risks of going without it," Considine concluded.

Additional information and resources about Life Insurance Awareness Month can be found at <https://lifehappenspro.org/life-insurance-awareness-month>

REGISTRATION IS OPEN FOR THE FIRST ANNUAL NCOIL OPEN GOLF OUTING TO BENEFIT THE ILF SCHOLARSHIP FUND



NCOIL is pleased to announce the first annual NCOIL Open Golf Outing to Benefit the Insurance Legislators Foundation (ILF) Scholarship Fund. The event will take place on November 16th at the English Turn Country Club in New Orleans, LA immediately preceding the 2022 NCOIL Annual Meeting. The format will be a scramble shotgun starting at 12:00 PM CT.

For registration information please click [here](#)

REGISTRATION FOR NCOIL ANNUAL MEETING IS OPEN

Registration for the 2022 NCOIL Annual Meeting at the Sheraton New Orleans in New Orleans, LA from November 16th—19th is open.



See a tentative schedule on page 8 or view at the NCOIL website [here](#)

DON'T FORGET TO BOOK YOUR HOTEL!!!

*The hotel block closes on **October 26th***

Legislators book here:



General Participants book here:



**Reminder that Contributing States are eligible for two legislator stipends per National Meeting to help underwrite the cost of participating.
Click below for more information**

Please call the NCOIL office at 732-201-4133 with any questions.

**LEGISLATOR STIPENDS NOW AVAILABLE
FOR CONTRIBUTING STATES**

CLICK HERE FOR MORE INFORMATION

NCOIL One on One

NCOIL One on One Interview with Indiana Senator Travis Holdman is out now, click on the link [here](#) to check it out!

If you haven't had a chance to watch interviews with IN Rep. Matt Lehman, NY Asw. Pam Hunter, OH Sen. Bob Hackett, AR Rep. Deborah Ferguson DDS, ND Sen. Jerry Klein, LA Rep. Edmond Jordan, CA Asm. Ken Cooley, TX Rep. Tom Oliverson MD, NV Asw. Maggie Carlton, MN Sen. Paul Utke, MI Rep. Brenda Carter, WV Del. Steve Westfall, SC Rep. Carl Anderson, and NC Sen. Vickie Sawyer please visit our YouTube channel [here](#).



Don't Miss the NCOIL YouTube Channel: Subscribe Today

Weren't able to attend our past meetings? Good news— you can visit our YouTube channel for recordings of past meetings. Prior national meeting sessions and interim committee meetings are posted on our YouTube channel now.

Visit the link below to subscribe and keep up to date on all things NCOIL!

<https://www.youtube.com/channel/UCe09Z77z4q6HG1kv3fDG7Bq>

2022 NCOIL Annual Meeting Tentative Schedule

WEDNESDAY, NOVEMBER 16TH

NCOIL First Annual Golf Outing to Benefit the ILF Scholarship Fund	12:00 PM	
Welcome Reception	6:00 PM	- 7:30 PM

THURSDAY, NOVEMBER 17TH

Welcome Breakfast	8:15 AM	- 9:45 AM
Networking Break	9:45 AM	- 10:00 AM
Health Insurance & Long Term Care Issues Committee	10:00 AM	- 11:30 AM
NCOIL Innovation Series	11:30AM	- 1:00 PM
The Institutes Griffith Foundation Legislator Luncheon	1:00 PM	- 2:00 PM
Workers' Compensation Insurance Committee	2:00 PM	- 3:15 PM
Networking Break	3:15 PM	- 3:30 PM
Life Insurance & Financial Planning Committee	3:30 PM	- 5:00 PM
Nominating Committee (Members Only)	5:00 PM	
CIP Member & Sponsor Reception	5:45 PM	- 6:45 PM

FRIDAY, NOVEMBER 18TH

Financial Services & Multi-Lines Issues Committee	9:00 AM	- 10:30 AM
Networking Break	10:30 AM	- 10:45 AM
NCOIL—NAIC Dialogue	10:45 AM	- 12:00 PM
Luncheon with Keynote Address	12:00 PM	- 1:30 PM
General Session	1:30 PM	- 2:45 PM
Networking Break	2:45 PM	- 3:00 PM
Property & Casualty Insurance Committee	3:00 PM	- 4:30 PM
Articles of Organization & Bylaws Revision Committee	4:30 PM	- 5:00 PM
Budget Committee	4:50 PM	- 5:15 PM
IEC Board Meeting	5:15 PM	- 6:00 PM

SATURDAY, NOVEMBER 19TH

Institutes Griffith Foundation Legislator Breakfast	7:45 AM	- 8:45 AM
General Session	8:45 AM	- 10:15 AM
Networking Break	10:15 AM	- 10:30 AM
Joint State-Federal Relations & International Insurance Issues Committee	10:30 AM	- 12:00 PM
Executive Committee	12:00 AM	- 12:30 PM