

NATIONAL COUNCIL OF INSURANCE LEGISLATORS
PROPERTY & CASUALTY INSURANCE COMMITTEE
INTERIM COMMITTEE MEETING
FEBRUARY 11, 2022
DRAFT MINUTES

The National Council of Insurance Legislators (NCOIL) Property & Casualty Insurance Committee held an interim meeting via Zoom on Friday, February 11, 2022 at 12:00 P.M. (EST)

Representative Bart Rowland of Kentucky, Chair of the Committee, presided.

Other members of the Committee present were:

Rep. Deborah Ferguson, DDS (AR)
Asm. Ken Cooley (CA)
Rep. Matt Lehman (IN)
Rep. Peggy Mayfield (IN)
Sen. Robert Mills (LA)
Del. Courtney Watson (MD)
Rep. Brenda Carter (MI)

Sen. Vickie Sawyer (NC)
Sen. Shawn Vedaa (ND)
Asm. Kevin Cahill (NY)
Sen. Bob Hackett (OH)
Rep. Carl Anderson (SC)

Also in attendance were:

Commissioner Tom Considine, NCOIL CEO
Will Melofchik, NCOIL General Counsel

QUORUM

Upon a Motion made by Asm. Ken Cooley (CA), NCOIL President, and seconded by Sen. Bob Hackett (OH), the Committee voted without objection by way of a voice vote to waive the quorum requirement

INTRODUCTORY REMARKS

Rep. Rowland thanked everyone for joining the meeting. Before we go any further, I would like to note that I'm delighted to serve as Chair of this Committee for another year. I've really enjoyed Chairing this Committee and working with everyone on important issues. I'm looking forward to another successful year. Regarding today's meeting, the purpose is for the Committee to conduct some business in advance of its meeting next month in Las Vegas so that the Committee is able to handle all of the issues on its Las Vegas agenda in a timely manner. The Committee also need to determine how to move forward with some issues so that, as we begin 2022, our agenda is as clear and organized as possible. As you can see from today's agenda, the Committee is very busy so it's important that we give each topic the time and attention it deserves while still ensuring that every topic is afforded its proper time. So, I know everyone will understand that I'll need to manage the discussion closely.

DISCUSSION ON DEVELOPMENT OF DELIVERY NETWORK COMPANY (DNC) MODEL ACT

The first topic on the agenda is a discussion on the development of an NCOIL Delivery Network Company Model (DNC) Act. As you may know, 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. When I use the term DNC, I'm referring to companies that allow people to use their personal vehicles to deliver food or beverages to your home – companies such as Grubhub or Drizly.

Recently, there have been conversations started, and in some instances, bills introduced, focusing 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. You may recall that I briefly mentioned this issue at the end of the Committee's meeting in Scottsdale, and I'd like to use today's meeting as a starting point for the Committee to discuss the issue along with interested persons. I think everyone would agree that insurance protection is essential, but the same level of coverage is not required for a sandwich as there is for a family. Before we open this up for discussion among Committee members and other legislators, I'll first ask if there are any interested persons who would like to comment. If so, please announce yourself and state who you are representing.

Joe Messina, Legal Director, Insurance Law & Legislation at Uber thanked the Committee for the opportunity to speak and stated that Uber appreciates the Committee's consideration of these issues and the opportunity to provide comments. Uber is supportive of a model DNC bill and recognizes the unique risks that are posed by delivery activity especially as compared to TNC's. I think some of those risks are obvious to the committee, perhaps some less so. Of course, in the DNC context there is obviously no passenger and much less risk associated with carrying a salad than an individual. But perhaps less obvious is the period one risk in particular which is the time while a driver is awaiting to receive a request but is online on the app and its much different for DNCs than TNCs. In the delivery context what we see at Uber is the drivers don't simply drive around circling blocks on the app awaiting a delivery request as they might in the TNC context. The business models of DNCs are also importantly different as you're starting to consider a model bill like this. For example, if you look at Target or Amazon Flex, those folks actually permit drivers to prebook time slots so that again means drivers aren't trolling the streets looking for requests they are just always in a state where they are fulfilling a request. Uber is certainly supportive of a model bill we just don't think the standard TNC insurance model requirements should necessarily apply in the DNC context.

Andrew Kirkner, Associate VP – State Affairs at the National Association of Mutual Insurance Companies (NAMIC), stated that NAMIC and its members are interested in a model bill as it makes sense for standardization to occur in this space. The good news is that I think the TNC framework makes sense for a place to start and there may be some discussions on what levels of coverage are appropriate inside that framework. The one thing I would point out and ask NCOIL to keep in mind as it considers this is at the end of the day whether its driving individuals around or delivering food, there is a change in risk from general driving behavior under a normal auto policy so if we take the phase one period Mr. Messina referred to perhaps an individual is parked in a different neighborhood than they normally would be. That doesn't necessarily mean the commercial limits need to be higher or that the same standards in the TNC model need to apply but there is a change in risk and so as we go through this process we'd certainly be looking to work with Rep. Rowland and Uber and other companies that are in this space on the production of a model bill.

Marty Young, Co-founder & CEO of Buckle stated that we provide insurance and credit to gig workers in partnership with a number of the TNC's and DNC's and we have a very unique model where we are able to adjust the indemnity based upon what the driver is doing. To echo some of the comments made by Uber and others, one of the things we'd ask you to consider and we'd certainly be happy to provide you the data is that not all deliveries are the same. We agree that ride share risk is very different than delivery risk. The delivery for a restaurant is very different risk than delivering for a grocery store which is very different than delivering for a convenient store and very different than Amazon delivery risk. We support and insure all these different flavors of delivery risk and we would simply suggest as you consider a DNC model that it may not be a one size fits all but may need to be contextualized depending upon the risk of the driver, the recipient of the goods and the general public.

Frank O'Brien, VP – State Gov't Relations at the American Property Casualty Insurance Association (APCIA) stated that it bears mention that the fact that we're even having the start of this discussion is reflective of the benefit that NCOIL has brought to this particular space. Many of us recall the battles that took place when the TNC law was being developed and we welcome the opportunity for NCOIL to serve as a space where all aspects of this particular issue are heard whether it be by the traditional insurance market, the trades, Buckle, or Uber. NCOIL has become a leader in the shared economy space, and we look forward to having this discussion with NCOIL and we're optimistic that an appropriate model will be able to be developed with the assistance of this committee. We look forward to that discussion commencing in Las Vegas.

Hearing no further comments or questions from interested persons or legislators, Rep. Rowland thanked everyone for the discussion and stated that by the time of the Las Vegas meeting we could have a rough draft where we can at least start a discussion. It's a very important issue and one in which I am interested in perhaps sponsoring and I look forward to working with everyone.

CONTINUED DISCUSSION ON STATE EFFORTS TO LOWER THE UNINSURED MOTORIST POPULATION AND NCOIL FAIRNESS FOR RESPONSIBLE DRIVERS MODEL ACT

Sen. Shawn Veda (ND), sponsor of the NCOIL Fairness for Responsible Drivers Model Act (Model), stated that many of us as legislators have dealt with the issue of trying to lower our respective state's uninsured motorist population, and different states have utilized different methods to do so. In 2014, NCOIL adopted a Resolution in support of "No Pay, No Play" laws – the draft Model that you see before you which I am sponsoring is intended to be viewed as the next step in support of those laws in the form of a Model law. The Model, and the laws in the approximately 10 states that have similar laws, including my home state of North Dakota, prohibits uninsured drivers, or personal representative of said drivers, who sustained bodily injury or property damage as the result of a motor vehicle accident from recovering non-economic damages for the person's bodily injury or property damage or death. It's important to note that such prohibition does not apply to economic damages, and there are several what I think are appropriate exceptions set forth in the Model.

The discussion of the Model when first introduced in Charleston last April generated an important dialogue and serious concerns regarding possible unintended consequences of the Model were raised which made clear that the Model was not ready to proceed. Since that time, the Committee has been presented with other methods states have utilized to lower the uninsured motorist population such as: simply increasing the penalties for driving uninsured as it's likely that it is less expensive to risk a penalty than to pay the auto insurance premium; Increased education efforts about the auto insurance system in general and the benefits of

coverage and how those with higher premiums can lower them; tort reform efforts; developing an Online Insurance Verification (OLV) web-based system – this system provides instantaneous verification of coverage at any time. Approximately 15 states have implemented this type of system, with Illinois being the latest to do so.

Regarding how it works in Illinois, it's my understanding that twice per year motorists are subject to random checks for insurance coverage. A written request will be sent to the vehicle owner if electronic verifications are unsuccessful, and the Secretary of State will suspend the registration of the vehicle if the owner does not show proof of insurance. Vehicle owners must contact their insurance company or notify their insurance agent that they received the Secretary of State's letter and the specific reference number on it. Vehicle owners who receive the letter are urged not to visit driver services, but to contact their insurance company or agent, who can provide them with the necessary electronic proof of insurance. License plates of vehicles without automobile insurance will be suspended unless they obtain insurance, and they will be charged a \$100 fee to have their plates reinstated. Also, another method some states have utilized, is permitting all residents of a state, regardless of their immigration status or citizenship, to obtain driver's licenses thereby permitting them to obtain auto-insurance. These laws are commonly referred to as "Green Light" laws. I understand laws like this would not pass in many states, but following New York's passage of such a law, New York's uninsured population declined.

In consultation with Chair Rowland, we agreed that we'd like to hear feedback from legislators and interested persons as to what direction the Committee should take with respect to this issue - should we: proceed with further development of my Model; proceed with developing a different Model such as one setting forth the legislative framework for an online insurance verification system; endorse another method via a Resolution; or put a pause on discussing the overall issue?

Rep. Deborah Ferguson, DDS (AR), NCOIL Secretary, stated that she is a big believer in data and asked if there is any data as to who the uninsured are – are they primarily illegal immigrants or younger people? Are there groups who can provide that data to us? Sen. Vedaas stated that he has heard similar data before in committee meetings in his home state and is not sure if NCOIL has that data or if there is anybody on Zoom that would be able to speak up on that.

Asm. Cooley stated that I do think very often individual state insurance departments may have a summary every few years and can offer an estimate. The Insurance Research Council (IRC) or similar organizations will often have marketplace estimates so that's a good online source to look for but it's kind of a moving target. Another way to look at it is what has been happening to the cost of auto insurance in a given state. The backstory to "no pay no play" in CA is that it was adopted by the voters of CA as a ballot proposition in 1996 and 1996 followed a period of time when for a lot of reasons and of which litigation was a key factor, auto insurance rates had increased in CA by 150% during the 1980s. So, when auto insurance was soaring so rapidly more than double we did see a jump in uninsured motorists and at that point it was passed by the voters and if you were look at that it was proposition 213 in 1996 in CA and I imagine there is quite a bit of commentary online about the proposition and by this time even its effect and how people analyzed what it did. Those are just some thoughts on the general data, but I do think checking in with your insurance department is prudent as they will have data wizards and other sources relative to your state.

Sen. Vedaas stated that he just looked back at some of his notes and in ND the state insurance dep't has estimated it as high as 19% of the drivers in certain demographics in the state failed to keep the liability portion of their insurance for an extended period of time. There are people that

hop in and hop out as they are able to pay but that was one of the estimates that they had at the time. Cmsr. Tom Considine, NCOIL CEO, stated that staff could likely nail this data down by March.

Mr. Kirkner stated that I'll be brief, and I would like to briefly re-emphasize the impetus behind what's been dubbed as the Fairness for Responsible Drivers Model and what is also known as "no pay no play" in some states. I had the opportunity to present to NCOIL on this topic and as I believe Sen. Vedaa said there are about 10 states that have adopted something similar. It's important to note that the results have been mixed in terms of lowering the uninsured motorist population so there is not in our view a strong correlation between those two things although there could be I want to be clear on that but the purpose behind the model is embedded in the name – to make sure the insurance system is fair. If folks are illegally uninsured, they should not be collecting non-economic damages as a result of their failure to participate in the insurance pool. This is a problem that drives the cost of insurance up for those that do choose to participate in the insurance pool and it's our belief that its absolutely appropriate for NCOIL to act on a freestanding Fairness for Responsible Drivers Model Act. We are certainly supportive of other efforts to lower the uninsured motorist population and we would certainly be happy to participate in conversations outside of the model as well but we very much support development of the no pay no play model.

Cmsr. Considine stated that if there are no other comments we don't want to go back to the old NCOIL where something stays on the agenda for years so Sen. Vedaa did list a number of different options and a desire for committee members to think about this between now and March with the thought of coming to Las Vegas and deciding on the best path to go whether that's the model or another model that incorporates the Illinois approach or any of the other approaches but rather than just having a continued dialogue it would be wonderful if the committee could move toward consensus in March and wrap up some approach so it doesn't go beyond this year. Rep. Rowland agreed.

UPDATE ON STATE LAWS REGARDING DOG BREED INFORMATION IN INSURANCE UNDERWRITING

Will Melofchik, NCOIL General Counsel, stated that this topic was the focus of a general session at the last NCOIL conference in Scottsdale and it sparked a lively discussion. 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. I'm happy to provide the information that is required to be reported but I won't read it all now in the interest of time. A copy of the law is also on the NCOIL website. New York and Nevada have recently enacted laws codifying the first approach I mentioned, and Minnesota has recently introduced a similar bill that will be the subject of hearing later this month.

Also, a bill has been introduced in Arizona that prohibits the breed of a dog from being considered or used in several situations such as: underwriting or actuarial purposes; information gathering regarding ownership or presence of a dog on premises insured or to be insured; or findings of fact or conclusions of law regarding whether a dog is aggressive or vicious or has

caused liability to occur in coverage determinations. I note that this is not meant to be a complete, exhaustive legislative analysis of each state's action or inaction on this issue but rather an update on the most recent state actions. We invite this to be supplemented of course when this opens up for discussion.

Rep. Rowland stated that before opening it up for comments, he would like to note that this issue will not be on the Committee's agenda in Las Vegas. Neither he nor staff have heard from any legislator yet looking to a sponsor a Model. Rep. Rowland stated that he would like to have a discussion today to hear thoughts on the issue and how NCOIL should be engaged.

Asm. Kevin Cahill (NY), NCOIL Vice President, stated that the bill that was passed in NY fits the first category of laws that Mr. Melofchik mentioned. It doesn't include a study, but I'd like to discuss very briefly the impact of the bill that was signed into law in December. The impact of the law has been that largely across the board that insurers have honored and complied with the spirit and letter of the law but there was one company that decided that the law didn't say that they couldn't exclude the coverage even though we made all those motions to make sure that was clearly the intent they said if we exclude the coverage altogether that is allowable. The other circumstance that we encountered is that some insurance companies have lowered umbrella policies from the desired level to a significantly lower level because the dog exclusion is no longer allowed. We are amending the law in NY at the present time and are amending it to add the words "or exclude coverage under the policy or contract." We believe that will empower the NY Department of Financial Services (DFS), our insurance regulatory arm, to prohibit insurance companies from discriminating against their policyholders based upon the breed of dog. I didn't want to provide this update without saying that there is this interpretation of the law, which by the way our DFS does not necessarily disagree with, that the law as written is not broad enough to have the impact it was desired to.

That being said I will take you up on your offer to introduce a model act, but my model would include both components of what was mentioned. I think it's important to recognize that current science tells us that the breed of dog does not determine the dangerousness of the dog but there are many other factors that do. That doesn't mean that its definitive or final and we should require our departments of insurance to go back and give us that additional information so I will between now and Las Vegas come up with a generic proposal and ask that you consider taking it up in due course in accordance with the rules of NCOIL with the introduction of a model.

Rep. Tammy Nuccio (CT) stated that I'm not going to be able to attend the Las Vegas meeting, but I'm definitely interested in helping with any model legislation on this. It's something that I've helped start conversations on in CT and I have seen some of the other state laws so if there is anything I can do to help please let me know who I should talk to or how I should go about doing that. This is my first interim NCOIL Zoom meeting separate from the NCOIL national conferences. Rep. Rowland stated that Mr. Melofchik will reach out to Rep. Nuccio to provide direction.

Mr. O'Brien stated that to my good friend from NY, Asm. Cahill, we look forward to seeing your proposal and working with you on it. We may have a different point of view but that is what the NCOIL process should be. I do ask just as a point of clarification – Asm. Cahill mentioned that the model would be put in and taken up in due course with the rules of NCOIL. I would assume that in order for it to be introduced in Las Vegas the 30-day rule would need to be waived but it sounds like the sponsor is intending for this to be taken up in due course which would be an intro in Las Vegas and then initial consideration at the summer meeting. Asm. Cahill stated that his perspective is to be as cooperative and deliberative as possible, so we won't be asking to

waive the 30-day rule. Cmsr. Considine stated that as a point of clarification, the 30-day rule impacts items on which a vote is scheduled so there is no 30-day rule for simply the introduction of a model. Rep. Rowland thanked Cmsr. Considine and stated that he will defer to Cmsr. Considine and Mr. Melofchik in terms of how to go about the timing of introduction and discussion. I know we have a full agenda in Las Vegas so if this needs to be introduced during an interim call or at the summer meeting maybe that would be better but I'll defer to staff as to how to handle that.

Stacey Coleman, Executive Director of the National Canine Research Council (NCRC) and the Animal Farm Foundation (AFF), stated that NCRC focuses on reliable and methodologically sound dog bite data and AFF is an advocacy group for people who have dogs in their families. I just wanted to speak up and say I am so glad that you all are here today having this conversation, but I also wanted to emphasize that I don't know that any of us who are working on this issue want to follow up with legislation on a state by state manner because that takes forever but we have been left with no other options because working directly with the insurance companies has left us nowhere. The insurance companies do not have the data to justify excluding dogs based on a breed label. They don't have the data to justify excluding dog owners based on their zip code or their race or what is presumed about them because they own a dog of a particular label. What needs to happen and what will make this process so much easier is that if insurance is honest about where it's getting its information and is truthful about the data that they have. I know that in the times we have encountered public conversations with insurance representatives they have cited unreliable and debunked science and if we can just resolve that issue and if an insurer wants to exclude particular dog owners, they can it's their choice but they need to be honest about why and stop putting the blame on what the dog looks like.

Mr. Kirkner stated that there are two things that should not go unanswered in the comments that were just made. Number one, if the NCRC is supposed to be a repository of data, I would very much appreciate them not making comments about insurers excluding on the basis of race or being dishonest about the information they are providing without bringing data to the table. I think that's inappropriate for the discourse at NCOIL. That's a threshold matter. As for the bill, we understand that there are some states considering legislation about what breed information insurers can or cannot use. I want to be clear with the group here, there is not some massive groundswell on the ground. I believe there are six states although I'm certainly open to anything that happened today in terms of states that have adopted legislation. There are others that are considering it but to the extent that there is an inference that there is a groundswell and others are considering this, I would rebut that. I would also note that there has been no evidence presented to NCOIL or in the state discussions that I'm aware of that would indicate an availability problem.

The nation's largest homeowners and renter's insurer in the country does not ask you about dog breed instead they ask about the history of the dog. Now that is their prerogative, and they should be allowed to do that. Other companies, if their claims data and external studies and actuarial science tells them that certain dog breeds are in fact dangerous then they should be able to use that information to make underwriting and rating decisions. With complete respect to Asm. Cahill, we have a fundamental disagreement about what the role of legislators should be in a competitive insurance marketplace. It's our view that in a competitive insurance marketplace when the nation's largest homeowners and renters' carriers and two of the top 10 largest carriers in the country do not factor this in then availability is not a problem for consumers so we don't believe the time is right for NCOIL to act here. We'll certainly participate

in the process and hopefully provide a counterbalance to some of the information that's been provided here today and in the future.

Susan Riggs, Senior Director of State Legislation at the American Society for the Prevention of Cruelty to Animals (ASPCA) stated that I'd like to start by thanking Asm. Cahill for his willingness to take this up as a model for a future NCOIL meeting. I just wanted to respond quickly to Mr. Kirkner as I think the issue is not the availability of insurance but it's the transparency and accuracy of the underwriting standards and I think as many of you probably have seen the data that was produced out of Massachusetts from property insurers and clearly there is a dearth of rationale for the underwriting standards that are utilizing breed at this point. I would encourage everyone to go back and look at that data and I'm happy to provide it if you would like as its public data provided by the insurance companies and I think you will clearly see the relationship that's being asserted by the insurance companies is lacking in the data provided.

INTRODUCTION AND DISCUSSION ON NCOIL INSURANCE UNDERWRITING TRANSPARENCY MODEL ACT

Rep. Matt Lehman (IN), NCOIL Immediate Past President and sponsor of the Insurance Underwriting Transparency Model Act (Model) stated that I'm proud to sponsor this Model and I'd like to provide some background and context on it before proceeding. As you likely know, 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 sunseting, 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 this Committee.

For a bit of background, I was talking to a group the other day and I said I've been in this business for 30 years and I think if you look at the past everything was tangible. If you came in for a quote, I ran your motor vehicle record (MVR), Comprehensive Loss Underwriting Exchange (CLUE) report and more recently your credit and then if there was a problem at renewal or even at issuance I had something tangible to cite like a DUI or five accidents or bad credit and this is what you need to work on to get a better rate or a policy. Over the past couple of years, the trend has been more into data collection, telematics, predictive modeling and it's not that those things are bad but it brings up this issue of what is in my rate that is creating either that increase I'm getting or maybe denial of coverage.

So, I began to work on some language here in Indiana on a bill that I have now effectively pulled back because I want to focus on NCOIL and where it's going to go with this because I think it's a national issue and not just a state issue. And for some data points I did meet with our department of insurance and I asked them I'm going down this path of where is the good balance of public policy in disclosing what's in the box and matrix that's used and what at the same time keeps a competitive marketplace so that we're not sharing confidential or proprietary information and it is a tough balance because there is a lot of data that's being used that they have some concerns with and we saw what happened in Washington with Cmsr. Mike Kreidler saying the pendulum is going this way and we are just going to ban this and I'm trying to find a place where I think NCOIL needs to go which is to show how that data is processed and then provide that to the client.

A good example is I asked the department of insurance yesterday about the Lemonade issue of collecting 5,000 data points and the department of insurance said we just had a filing in Indiana where a company came in with 1,000 elements to use on a personal home and auto policy and the actuaries looked at it and found some things that were discriminatory and some things that were proxy discrimination which is what we addressed a couple of years ago and then found some things they could use and it went from 1,000 down to 70 and as I looked at that I thought to myself what were those 930 pieces of data that was asked to be used but were denied and it's not that it should be shared but it really sheds light on the issue of a lot of data is being collected on people to be used scientifically and through these algorithms to create a rate so what I want to focus on with a model is to say if you are going to use this data there is no prohibition but if I ask you what are the factors that go into my rate you have to give to me maybe the top 10 things that you use and they would very likely include the MVR, CLUE report and other things that we have traditionally found to be normal but if we start to use artificial intelligence maybe that starts to bring up some things that people would have some concerns with.

And then if it's an adverse action of denying or raising my rate than the trigger would be the carrier would be required to disclose that so I think some of the concern from carriers, and we've had really good discussions, is that we're getting into the area of it really is very nuanced to what might be the issue on my policy is different than the issue in Rep. Rowland's policy and if I have to disclose that it's going to be a lot of data that's unique to a client and now I have to somehow process that. So, I understand there are some issues there and my pushback a little bit is we have the staff to create the box so I think we have the staff to push that data out.

I'm looking forward to a robust discussion as we start this process because I think the bottom line is I asked the department of insurance yesterday if there have been any complaints around this path we're heading down and they said there have been a couple of complaints around I got a rate increase and no one could explain it to me – my agent couldn't explain it as my MVR and CLUE were the same and the agent reached out to the carrier and they said its proprietary and can't say so he filed a complaint with the department of insurance and they said you don't have any grounds because we've approved them to use this data so they are looking to us as policymakers as what's good public policy and as we begin to go down this path there are things that we can say maybe its good public policy to use such as the fact that I wear glasses or have gray hair and there are issues that maybe cause some concern of should that be used for data. That's where this is at, and I think I want this to be a good path to get us to where we have transparency to the consumer and the carriers can help us get there. I'm happy to answer questions and I look forward to Las Vegas to start this process.

Asm. Cooley stated that I'll say in a very general way and in encouragement of the path that Rep. Lehman wants to pursue, in CA we had a single payer bill that came to the floor and it didn't have the votes to get off the floor and that was a little surprise as it was a colossal bill and was short in double digits so it didn't advance but it caused a lot of us to think about the nature of being a legislator and its sort of like as lawmakers our process is all about four things – someone may present what is a new or wild idea; that triggers a conversation about the pros and cons and downsides of where the wheels come off and what are criticisms; a good lawmaker and good colleague will listen to the criticisms and try to figure out how to style those issues; and de-risk the idea so you can introduce change without totally disrupting things; and all of that takes time so we have our process and hear ideas and learn about them and massage.

I just sort of see that's the issue Rep. Lehman is introducing on how we work with data and how we make it work and I want to say in this time there is nothing more basic to lawmaking than starting with a wild idea, understanding what are the criticisms and how to de-risk and afford yourself some time and that speaks to the strength of NCOIL as inviting the 50 states and gathering to have these conversations. I look forward to following the conversation and it's what we do as lawmakers in terms of listening to what are some different ways to understand an issue and serve our constituents.

ADJOURNMENT

Hearing no further business, upon a motion made by Asm. Cahill and seconded by Asm. Cooley the Committee adjourned at 1:00 p.m.