(b) Each report required by this part must:

(1) Have a heading preceding its text that includes the words "Insurer Report";

(2) Identify the insurer, including all subsidiary companies, on whose behalf the report is submitted, and the designated agent, if any, submitting the report or that will submit further documents to complete the report;

(3) Identify the State or States in which the insurer did business during the reporting period;

(4) State the full name and title of the official responsible for preparing the report, and the address of the insurer;

(5) Identify the reporting period covered by the report;

(6) Be written in the English language;

(7) Include a glossary defining all acronyms and terms of art used in the report, unless those acronyms and terms of art are defined immediately after they first appear in the report;

(8) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; and

(9) If the insurer wishes to submit certain information under a claim of confidentiality, be submitted in accordance with part 512 of this chapter.

[52 FR 76, Jan. 2, 1987, 60 FR 33149, June 27, 1995, as amended at 61 FR 41987, Aug. 13, 1996; 62 FR 33756, June 23, 1997; 63 FR 70053, Dec. 18, 1998; 65 FR 49507, Aug. 14, 2000; 66 FR 53733, Oct. 24, 2001; 67 FR 46611, July 16, 2002; 68 FR 59135, Oct. 14, 2003; 69 FR 41976, July 13, 2004]

§544.6 Contents of insurer reports.

(a)(1) In the case of insurers that issue motor vehicle insurance policies, provide the information specified in paragraphs (b) through (g) of this section for each State in which the insurer, including any subsidiary, did business during the reporting period if the insurer is listed in appendix A, or for each State listed after the insurer's name if the insurer is listed in appendix B.

(2) In the case of a motor vehicle rental or leasing company listed in appendix C, provide the information specified in paragraphs (c), (d)(2)(iv), and (g) of this section for each vehicle type listed in paragraph (b) of this section, for each State in which the company, including any licensee, franchisee, or subsidiary, did business during the reporting period. The information for each listed company shall include all relevant information from any licensee, franchisee, or subsidiary.

(b) For each of the following vehicle types, provide the information specified in paragraphs (c) through (g) of this section for all vehicles of that type insured by the insurer during the reporting period—

(1) Passenger cars.

(2) Multipurpose passenger vehicles.

(3) Light trucks.

(4) Heavy trucks.

(5) Motorcycles.

(c)(1) List the total number of vehicle thefts for vehicles manufactured in the 1983 or subsequent model years, subdivided into model year, model, make, and line, for this type of motor vehicle.

(2) List the total number of recoveries for vehicles manufactured in the 1983 or subsequent model years, subdivided into model year, model, make, and line, for this type of motor vehicle. Beginning with the report due not later than October 25, 1987, for each of these subdivided number of recoveries, indicate how many were:

(i) Recoveries intact;

(ii) Recoveries-in-whole; and

(iii) Recoveries-in-part.

(3) Explain how the theft and recovery data set forth in response to paragraphs (c) (1) and (2) of this section were obtained by the insurer, and the steps taken by the insurer to ensure that these data are accurate and timely.

(4) Explain the use made by the insurer of the information set forth in response to paragraphs (c) (1) and (2) of this section, including the extent to which such information is reported to national, public, and private entities (e.g., the Federal Bureau of Investigation and State and local police). If such reports are made, state the frequency and timing of the reporting.

(d)(1) Provide the rating characteristics used by the insurer to establish the premiums it charges for comprehensive insurance coverage for this type of motor vehicle and the premium

penalties for vehicles of this type considered by the insurer as more likely to be stolen. This requirement may be satisfied by furnishing the pertinent sections of the insurer's rate manual(s).

(2) Provide the loss data used by the insurer to establish the premiums it charges for comprehensive insurance coverage for this type of motor vehicle and the premium penalties it charges for vehicles of this type it considers as more likely to be stolen. This requirement may be satisfied by providing the following:

(i) The total number of comprehensive insurance claims paid by the insurer during the reporting period;

(ii)(A) The total number of claims listed in (d)(2)(i) of this section that arose from a theft;

(B) The insurer's best estimate of the percentage of the number listed in paragraph (d)(2)(ii)(A) of this section that arose from vehicle thefts, and an explanation of the basis for the estimate;

(iii) The total amount (in dollars) paid out by the insurer during the reporting period in response to all the comprehensive claims filed by its policyholders;

(iv)(A) In the case of insurers listed in appendix A or B, provide—

(*1*) The total amount (in dollars) listed under paragraph (d)(2)(iii) of this section paid out by the insurer as a result of theft; and

(*2*) The insurer's best estimate of the percentage of the dollar total listed in paragraph (d)(2)(iv)(A)(1) of this section that arose from vehicle thefts, and an explanation of the basis for the estimate;

(B) In the case of other insurers subject to this part, the net losses suffered by the insurer (in dollars) as a result of vehicle theft;

(v)(A) The total amount (in dollars) recovered by the insurer from the sale of recovered vehicles, major parts recovered not attached to the vehicle superstructure, or other recovered parts, after the insurer had made a payment listed under paragraph (d)(2)(iv) of this section.

(B) The insurer's best estimate of the percentage of the dollar total listed in paragraph (d)(2)(v)(A) of this section that arose from vehicle thefts, and an explanation of the basis for the estimate;

(vi) An identification of the vehicles for which the insurer charges comprehensive insurance premium penalties, because the insurer considers such vehicles as more likely to be stolen;

(vii) The total number of comprehensive insurance claims paid by the insurer for each vehicle risk grouping identified in paragraph (d)(2)(vi) of this section during the reporting period, and the total amount (in dollars) paid out by the insurer in response to each of the listed claims totals; and

(viii) The maximum premium adjustments (as a percentage of the basic comprehensive insurance premium) made for each vehicle risk grouping identified in paragraph (d)(2)(vi) of this section during the reporting period, as a result of the insurer's determination that such vehicles are more likely to be stolen.

(3) Identify any other rating rules and plans used by the insurer to establish its comprehensive insurance premiums and premium penalties for motor vehicles it considers as more likely to be stolen, and explain how such rating rules and plans are used to establish the premiums and premium penalties.

(4) Explain the basis for the insurer's comprehensive insurance premiums and the premium penalties charged for motor vehicles it considers as more likely to be stolen. This requirement may be satisfied by providing the pertinent sections of materials filed with State insurance regulatory officials and clearly indicating which information in those sections is being submitted in compliance with this paragraph.

(e) List each action taken by the insurer to reduce the premiums it charges for comprehensive insurance coverage because of a reduction in thefts of this type of motor vehicle. For each action:

(1) State the conditions that must be satisfied to receive such a reduction (e.g., installation of antitheft device, marking of vehicle in accordance with theft prevention standard, etc.);

(2) State the number of the insurer's policyholders and the total number of vehicles insured by the insurer that received this reduction; and

(3) State the difference in average comprehensive insurance premiums for those policyholders that received this reduction versus those policyholders that did not receive the reduction.

(f) In the case of an insurer that offered a reduction in its comprehensive insurance premiums for vehicles equipped with antitheft devices, provide:

(1) The specific criteria used by the insurer to determine whether a vehicle is eligible for the reduction (original equipment antitheft device, passive antitheft device, etc.);

(2) The total number of vehicle thefts for vehicles manufactured in the 1983 or subsequent model years that received a reduction under each listed criterion; and

(3) The total number of recoveries of vehicles manufactured in the 1983 or subsequent model years that received a reduction under each listed criterion. Beginning with the report due not later than October 25, 1987, indicate how many of the total number of recoveries were—

(i) Recoveries intact;

(ii) Recoveries-in-whole; and

(iii) Recoveries-in-part.

(g)(1) List each action taken by the insurer to assist in deterring or reducing thefts of motor vehicles. For each action, describe the action and explain why the insurer believed it would be effective in deterring or reducing motor vehicle thefts.

(2)(i) State the insurer's policy regarding the use of used parts to effect repairs paid for by the insurer on vehicles it insures. Indicate whether the insurer required, promoted, allowed, or forbade the use of used parts in those repairs.

(ii) In the case of insurers requiring, promoting, or allowing the use of used parts to make repairs paid for by the insurer on vehicles it insures, indicate the precautions taken by or on behalf of the insurer to identify the origin of those used parts.

[52 FR 76, Jan. 2, 1987, as amended at 55 FR 25610, June 22, 1990]

§ 544.7 Incorporating previously filed documents.

(a) In any report required by this part, an insurer may incorporate by reference any document or portion thereof previously filed with any Federal or State agency or department within the past four years.

(b) An insurer that incorporates by reference a document not previously submitted to the National Highway Traffic Safety Administration shall append that document or the pertinent sections of that document to its report, and clearly indicate on the cover or first page of the document or pertinent section the regulatory requirement in response to which the document is being submitted.

(c) An insurer that incorporates by reference a document shall clearly identify the document and the specific portions thereof sought to be incorporated, and, in the case of a document previously submitted to the National Highway Traffic Safety Administration, indicate the date on which the document was submitted to the agency and the person whose signature appeared on the document.

APPENDIX A TO PART 544—INSURERS OF MOTOR VEHICLE INSURANCE POLICIES SUBJECT TO THE REPORTING REQUIREMENTS IN EACH STATE IN WHICH THEY DO BUSINESS

Allstate Insurance Group
American Family Insurance Group
American International Group
California State Auto Association
CGU Group
CNA Insurance Companies
Erie Insurance Group
Berkshire Hathaway/GEICO Corporation Group
Great American P & C Group
Hartford Insurance Group
Liberty Mutual Insurance Companies
Metropolitan Life Auto & Home Group
Nationwide Group
Progressive Group
SAFECO Insurance Companies
State Farm Group
Travelers/Citigroup Company
USAA Group
Farmers Insurance Group

[69 FR 41976, July 13, 2004]