AUTO INSURANCE REPORT
The Authority on Insuring Personal and Commercial Vehicles

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INSIDE

Early-bird Discount Ends On Jan. 31 for Auto Insurance Report National Conference

The 2023 Auto Insurance Report National Conference, now halfway to sold out, is accepting registrations at www.riskinformation.com. (See page 9)

Register on or before Jan. 31 to earn a $100 early-bird discount and to be certain you can reserve one of our deeply discounted rooms at the Ritz-Carlton, Laguna Niguel in Dana Point, California.

The meeting will be held April 23-25, and we promise to deliver a program that is insightful and informative, combined with the industry's best networking opportunity. AIR

New NCOIL Model Bill Looks To Close Delivery App Liability Gaps

A new model law regulating auto insurance requirements for delivery apps like **DoorDash** would fill current liability coverage gaps and set consistent minimum limits state-to-state. The model is similar in design to current state laws for **Uber** and **Lyft** drivers.

The model requires continuous liability coverage – provided by the app company if the driver's personal auto policy excludes it – when drivers are using their vehicle for personal use or deliveries. However, drivers who don't buy supplemental coverage from personal lines carriers could remain without first-party physical damage coverages while driving for rideshare and delivery app companies.

Similar laws introduced during the rise in popularity for Uber and Lyft allowed for new rideshare insurance products

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New Hampshire Weathers "Perfect Storm" of Auto Rate Increases

New Hampshire motorists are accustomed to driving through all kinds of storms in every kind of weather. But now, a perfect storm of events is driving a dramatic increase in the rates drivers pay for auto insurance.

The good news for Granite State drivers: New Hampshire still had the lowest auto insurance costs in 2021, according to **The Zebra**. On our PAIN Index, which compares 2019 premium to income as an indicator of affordability, New Hampshire fared better than all but three other states. The bad news, however, is that while costs are still low compared to other states, rates increased faster in New Hampshire than in most states last year.

In 2022, personal auto rates for the top 10 insurance groups rose by an average of 15.5%, according to RateWatch from **S&P Global Market Intelligence**, tied with **Missouri** and higher than all states but **Arizona**, **Illinois** and **Ohio**. Geico, the second-largest personal auto insur-

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from personal lines carriers that are also available to delivery drivers.

The new model law regulates businesses like DoorDash and others known as delivery network companies (DNC) – which use apps to hire drivers to deliver food, drinks and other goods with their own vehicles.

The model is based on a similar **National Conference of Insurance Legislators** (NCOIL) model first adopted in 2015 that regulates transportation network companies (TNC) like Uber.

Legislators in **Kentucky** and **Indiana** have already introduced bills this year based on the new DNC model, said **Bart Rowland**, the former Kentucky lawmaker who sponsored the DNC model last year in NCOIL's Property & Casualty Insurance Committee. A handful of states are expected to follow suit later this year, including **Texas**.

> ***Seeing the gaps in delivery network company insurance, states were starting to act on their own.***

NCOIL adopted the new DNC model language at its executive meeting in November, following the explosive growth of DoorDash and others during the pandemic. The surge in popularity helped restaurants deliver meals to dining rooms during lockdowns, but it also resulted in new gig workers suddenly on the road potentially without liability coverage during certain portions of the job.

"With the rise in the delivery network companies through Covid, there are gaps in the personal and business insurance policies that nobody would have dreamed would exist 10 years ago, and we felt like NCOIL was the best place to come up with a solution for that," Rowland said.

Sales for DoorDash and its competitors more than doubled from 2020 to 2021, according to a **McKinsey** study. DoorDash emerged during the pandemic as the market leader, growing its share from less than a quarter of all sales in 2018 to more than half in 2021. Uber Eats maintained its share of just less than a quarter of the market while the market share for **Grubhub** and **Postmates** fell.

Bart Rowland
Rowland Insurance Agency

While states have enacted laws regulating insurance for drivers for companies like Uber, no states have passed laws specifically to regulate insurance for delivery network companies. In 2017, **Virginia** updated an existing law with new insurance requirements that apply broadly to delivery network drivers. A **New Jersey** bill that would have required DNC drivers to carry up to $1.5 million in liability coverages failed last year.

In helping to develop the model over the last year, the **National Association of Mutual Insurance Companies** (NAMIC) aimed to "preserve rating and underwriting freedom, ensure that gaps in coverage do not occur, and to allow for insurance markets to voluntarily offer this coverage," said **Jon Schnautz**, the association's assistant vice president of state affairs.

Schnautz noted that while it was not a "sticking point" in creating the model, one complexity is that states already regulate deliveries of some goods. The model is designed to supplement, rather than replace, those existing regulations, he said.

Like the older TNC model legislation, the new model for app-based delivery services fills a common coverage gap by requiring app companies to provide commercial liability insurance when workers are logged into the app and available to accept delivery requests but have not yet initiated a pickup or delivery – known as the

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availability period – if the personal lines policy excludes that coverage.

Currently, DoorDash's liability coverage only kicks in once the driver initiates a delivery pickup, according to its website.

The model sets minimum bodily injury liability limits at $50,000 per person and $100,000 per accident. Minimum liability limits for physical damage are set at $25,000.

The DNC model requires substantially lower limits than the TNC model because delivery drivers are transporting food and goods rather than people, Rowland said. The TNC model legislation requires minimum limits of $1 million when the driver has a passenger.

The specter of a patchwork of state-by-state efforts like the one in New Jersey motivated DNC companies to support a model setting consistent limits and coverage requirements, said **Brad Nail**, a consultant for Lyft and former executive at Uber who chaired a working group of DNC and insurance industry representatives for NCOIL.

Still, limits are likely to vary as legislators adapt the model for their individual states.

Indiana Rep. **Matt Lehman** in January introduced a bill based on the model that increases the minimum liability limits to $1 million for bodily injury, death and physical damage during the delivery period.

The NCOIL model allows personal lines policies to continue to exclude or include coverage during the availability or delivery periods. Personal auto policies generally exclude coverage during the available and delivery periods and then offer supplemental coverage as an endorsement for physical damage while drivers are using their vehicle for DNC or TNC work.

Following the growth in popularity of Uber, nearly all national carriers now offer a rideshare endorsement that provides comprehensive and collision coverage for drivers of both TNC and DNC companies during the availability period and active delivery period, though availability varies by state.

Brad Nail
Lyft

Startups like **Buckle** launched a "hybrid" policy specifically designed to cover both personal use and rideshare or delivery use.

Of the 10 largest personal auto insurance companies, **Nationwide** does not currently offer an endorsement or coverage for TNC or DNC drivers, and **Geico** said it has stopped offering coverage for rideshare and delivery apps.

Rowland, who works as an insurance agent, said many regional carriers are now also offering rideshare coverage.

Drivers that don't buy a hybrid policy or an endorsement generally have no first-party physical damage coverage while driving for rideshare and delivery app businesses.

A major sticking point for DoorDash and Amazon was the period when a driver is waiting for an assignment.

Market leader DoorDash would have to change its current policies in states that adopt the model. In addition to liability coverage that kicks in once the driver has initiated a delivery pickup, the current DoorDash policy doesn't respond until a driver's personal auto carrier rejects the claim. The new model eliminates that requirement.

Before states passed laws regulating TNC drivers, Uber also required its drivers to submit claims to their personal auto carrier before it would consider liability claims. (AIR 5/26/14) The company has since changed that policy to comply with state laws, and its website encour-

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ance group in the state, increased rates by 32.7%, while **Progressive**, the state's largest group, raised rates 19.5%. **Allstate**, New Hampshire's fifth largest group, increased rates 13.5%, and No. 3 **State Farm** raised its rates by 12.4%. The increase followed decreases in the prior three years.

"Prior to Covid, and with Covid, we saw a lot of stability," said New Hampshire Insurance Commissioner **Chris Nicolopoulos**. "In the last 18 months, we are seeing almost entirely increases."

Nicolopoulos used the term "perfect storm" to describe the convergence of inflation, supply chain problems, and the lack of availability of rental cars that have driven the increase in auto insurance rates.

"It's taking longer for people to get their auto repairs completed because of all of these global supply chain shortages we're seeing," said **Ali-**

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New Hampshire Personal Auto Insurers

Groups Ranked by Total 2021 Direct Premium Written (000)

Group Name	2021 Premium	Mkt share 2021	Loss Ratio 2021	2020 Premium	Mkt share 2020	Loss Ratio 2020	2019 Premium	Mkt share 2019	Loss Ratio 2019
Progressive Corp.	$140,540	15.2%	60.2%	$130,646	14.7%	46.8%	$124,532	13.7%	60.3%
Berkshire Hathaway/Geico	$131,935	14.2%	65.3%	$123,472	13.9%	55.1%	$132,118	14.5%	68.1%
State Farm Mutual	$109,860	11.9%	66.4%	$105,484	11.9%	48.8%	$107,075	11.7%	54.4%
Liberty Mutual	$93,706	10.1%	46.7%	$90,566	10.2%	39.6%	$90,113	9.9%	46.3%
Allstate Corp.	$90,739	9.8%	48.1%	$92,017	10.3%	43.5%	$96,306	10.6%	54.0%
USAA Insurance Group	$56,292	6.1%	58.1%	$54,810	6.2%	53.3%	$51,938	5.7%	73.6%
Concord Group Insurance	$32,979	3.6%	53.5%	$33,391	3.8%	42.6%	$33,417	3.7%	62.8%
Amica Mutual Insurance Co.	$29,588	3.2%	47.8%	$23,239	2.6%	34.1%	$32,034	3.5%	53.3%
Travelers Companies Inc.	$26,027	2.8%	57.2%	$22,393	2.5%	46.9%	$21,856	2.4%	56.0%
Auto Club Exchange Group (SoCal)	$21,743	2.4%	58.0%	$19,197	2.2%	57.6%	$20,949	2.3%	62.8%
Plymouth Rock Co.	$20,184	2.2%	50.2%	$18,274	2.0%	52.8%	$17,887	2.0%	57.1%
Hanover Insurance Group	$20,156	2.2%	49.1%	$18,718	2.1%	40.8%	$19,216	2.1%	57.2%
MMG Insurance Co.	$17,188	1.9%	68.9%	$16,881	1.9%	47.4%	$17,236	1.9%	57.3%
Safety Insurance Group Inc.	$16,132	1.7%	64.1%	$15,373	1.7%	62.6%	$15,813	1.7%	63.6%
Farmers Insurance Group	$13,417	1.5%	61.3%	$18,804	2.1%	53.6%	$19,485	2.1%	54.5%
Vermont Mutual Insurance	$13,192	1.4%	54.9%	$12,665	1.4%	60.3%	$13,000	1.4%	53.7%
Metropolitan General Ins Co./MetLife	$11,285	1.2%	56.7%	$11,589	1.3%	28.4%	$10,836	1.2%	57.3%
American Family Insurance Group	$11,160	1.2%	48.2%	$11,925	1.3%	63.4%	$13,531	1.5%	70.9%
Hartford Financial Services	$10,205	1.1%	41.2%	$10,409	1.2%	47.1%	$11,673	1.3%	49.7%
Patrons Co-op Fire Insurance Co.	$7,737	0.8%	51.9%	$7,439	0.8%	50.9%	$6,963	0.8%	73.2%
Nationwide Mutual Group	$7,528	0.8%	54.3%	$7,624	0.9%	51.9%	$8,441	0.9%	56.5%
Mapfre	$5,865	0.6%	43.5%	$6,608	0.7%	58.6%	$7,329	0.8%	60.4%
Central Insurance Companies	$4,726	0.5%	72.4%	$4,832	0.5%	49.0%	$4,859	0.5%	78.9%
Statewide Totals	$926,250		57.0%	$890,016		47.7%	$912,452		59.0%

Source: S&P Global Market Intelligence and the *Auto Insurance Report* database.
Loss ratio = incurred losses/direct premium earned and does not include dividends or loss adjustment expense.

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son Cooper of the **American Property Casualty Insurance Association** (APCIA). "You're finding that repairs are taking longer generally, which means that consumers then have to try to get a rental car, and they have those rental cars for a longer period of time. That all, of course, impacts the cost of insurance as well."

And if inflation, supply chain problems, and lack of rental cars weren't enough to create New Hampshire's perfect storm, the state is also dealing with a fourth problem: "Unfortunately, we have seen during the pandemic, and even post-pandemic, an increase in dangerous driving," said **Rory Whelan**, the Northeast regional vice president of the **National Association of Mutual Insurance Companies** (NAMIC).

Preliminary data from the **New Hampshire State Police** suggests that 2022 was one of the deadliest years on record for the state, with 145 highway fatalities, a 28.9% increase over 2021.

The state's 118 highway fatalities in 2021 reflected a 13.5% increase from 2020, according to the **New Hampshire Office of Highway Safety**.

Chris Nicolopoulos
New Hampshire Insurance Commissioner

"What the experts found was that people were driving faster, more recklessly, and to a large degree, driving while intoxicated," Whelan said.

"Because the roads were less congested [in the pandemic], the drivers had the quite foolish notion that the roads were safer because there were fewer drivers, so they could take more risks."

According to the state's Highway Safety Plan 2023, several factors contributed to the increase in fatalities in 2021. Fatalities in speed-related crashes increased 27.5% to 51 in 2021, and alcohol-impaired fatalities increased 55% to 31. While the data for impairment and crashes caused by distraction for 2021 was unavailable,

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New Hampshire
Auto Insurance Profit Margins
Ten-Year Summary, Percent of Direct Premiums Earned

Line of Business	2020 Total Profit	2019 Total Profit	2018 Total Profit	2017 Total Profit	2016 Total Profit	2015 Total Profit	2014 Total Profit	2013 Total Profit	2012 Total Profit	2011 Total Profit	Avg Total Profit
Personal Auto Liab	21.3	12.6	14.5	10.2	7.6	10.3	6.2	5.8	9.2	9.7	10.7
Personal Auto Phys	18.2	12.4	10.5	11.0	11.2	9.7	10.5	10.1	10.5	6.8	11.1
Personal Auto Total	19.8	12.5	12.6	10.6	9.4	10.0	8.2	7.7	9.9	8.4	10.9
Comm. Auto Liab	26.9	14.0	18.4	0.8	18.5	10.7	15.6	18.2	26.7	23.1	17.3
Comm. Auto Phys	21.2	12.7	9.9	10.7	8.9	7.6	3.0	6.0	11.5	6.5	9.8
Comm. Auto Total	25.4	13.6	16.0	3.5	15.9	9.9	12.3	15.1	22.8	18.6	15.3
Total All Lines*	24.4	21.6	18.5	15.5	18.2	15.8	17.8	16.0	16.8	16.2	18.1

*Auto; Home, Farm & Commercial Multiperil; Fire; Allied; Inland Marine; Med Malpractice; Other Liability; Workers Comp; All Other

Note: Profit calculations are by *Auto Insurance Report* using data from the National Association of Insurance Commissioners. Calculations are estimates, some based on national averages.

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the report says that they were "likely to be contributing factors" in the increase in traffic fatalities.

In keeping with its motto of "live free or die," New Hampshire is the only state in the nation that doesn't require motorists and front-seat passengers to wear seat belts. It's also one of three states – along with Illinois and **Iowa** – that don't require motorcyclists to wear helmets.

Additionally, New Hampshire is the only state in the country that does not require auto insurance; drivers need only demonstrate that they can provide sufficient funds to meet the state's financial responsibility requirements should they be involved in an at-fault accident.

Officials expressed concern that rising auto insurance costs could lead to fewer New Hampshire drivers opting to buy auto insurance.

"The more that rates increase, people who are living on fixed incomes may have to choose between paying for rent, or groceries, or other bills, or insurance," Cooper said. "There's always a concern that this could result in an increase in the uninsured rate, which we would never want to see."

For now, Nicolopoulos has not seen any evidence of a rise in the rate of uninsured drivers.

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New Hampshire Commercial Auto Insurers

Groups Ranked by Total 2021 Direct Premium Written (000)

Group Name	2021 Premium	Mkt share 2021	Loss Ratio 2021	2020 Premium	Mkt share 2020	Loss Ratio 2020	2019 Premium	Mkt share 2019	Loss Ratio 2019
W. R. Berkley Corp.	$31,250	17.3%	30.0%	$28,603	17.2%	44.2%	$26,124	16.7%	60.6%
Progressive Corp.	$14,818	8.2%	36.9%	$12,411	7.5%	35.7%	$11,802	7.6%	48.8%
Liberty Mutual	$14,669	8.1%	47.5%	$13,865	8.3%	54.7%	$15,649	10.0%	91.7%
Travelers Companies Inc.	$9,344	5.2%	28.4%	$9,255	5.6%	36.9%	$8,417	5.4%	44.9%
The Hanover Insurance Group	$7,349	4.1%	18.9%	$7,301	4.4%	18.1%	$6,919	4.4%	82.0%
MMG Insurance Co.	$7,085	3.9%	40.4%	$6,562	3.9%	33.8%	$5,976	3.8%	41.5%
Zurich Insurance Group	$6,165	3.4%	-32.9%	$8,450	5.1%	40.7%	$6,281	4.0%	37.3%
Safety Insurance Group Inc.	$5,957	3.3%	103.4%	$5,214	3.1%	71.2%	$4,728	3.0%	36.2%
Concord Group Insurance	$5,100	2.8%	38.3%	$4,460	2.7%	47.4%	$3,716	2.4%	51.6%
Great American Insurance	$4,517	2.5%	-38.7%	$3,661	2.2%	28.9%	$2,832	1.8%	27.5%
Chubb Ltd.	$4,378	2.4%	35.6%	$3,552	2.1%	45.2%	$3,047	2.0%	19.1%
American Family Insurance	$3,917	2.2%	44.8%	$4,005	2.4%	37.7%	$3,770	2.4%	84.5%
Merchants Insurance	$3,511	1.9%	50.5%	$3,287	2.0%	-7.6%	$3,309	2.1%	94.1%
Tokio Marine	$3,454	1.9%	44.0%	$3,717	2.2%	33.2%	$3,968	2.5%	33.7%
Berkshire Hathaway Inc.	$3,315	1.8%	42.1%	$3,292	2.0%	18.3%	$2,844	1.8%	38.1%
Selective Insurance Group Inc.	$3,236	1.8%	57.0%	$2,676	1.6%	27.1%	$1,606	1.0%	40.2%
Frankenmuth Insurance	$2,870	1.6%	18.5%	$2,581	1.6%	113.6%	$2,547	1.6%	50.2%
Statewide Totals	$180,673		35.0%	$166,569		43.4%	$156,248		56.6%

Source: S&P Global Market Intelligence and the *Auto Insurance Report* database.
Loss ratio = incurred losses/direct premium earned and does not include dividends or loss adjustment expense.

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"Obviously, it will take some time for us to see that data," he said. "But we have auto insurance uptake rates that are some of the best in the nation, and I think that will continue."

The **Insurance Research Council** estimated that 6.1% of drivers were uninsured in 2019, lower than all but six other states.

New Hampshire drivers are likely to see their insurance rates continue to rise for the foreseeable future, Cooper said. "Based on the overall trends relating to inflation, we do expect rate increases to continue to be an issue throughout 2023 and maybe even 2024," she said.

In an effort that could potentially help contain costs, New Hampshire officials are cracking down on insurance fraud. The state Insurance Department's Fraud Unit referred a record number of fraud cases for prosecution in fiscal year 2022 – in all, 22 cases representing nearly $283,000 fraudulent claims. The Insurance Department highlighted several indictments last month concerning drivers who are alleged to have defrauded Progressive. In one case, a driver is accused of filing a claim on a policy purchased after the accident. In another, the driver is accused of lowering his deductible than filing a claim for an accident that had occurred before the change was made.

The threshold for a felony fraud charge in New Hampshire is just $1,000. "With the rising costs of automobile repairs, for example, the threshold for a felony insurance fraud charge is very low," **Brendhan Harris**, the Insurance Department's fraud director, said in a news release.

"Insurance fraud is not a victimless crime," said Nicolopoulos. "It hurts everyone by driving up costs for all consumers and undermining confidence in the marketplace."

With a new Legislature just having gaveled into session, officials don't anticipate challenges

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New Hampshire Snapshot

Regulator: Insurance Commissioner Christopher Nicolopoulos
Rate regulation: file and use
Size of personal auto market: $926.3 million (2021 DPW) Rank: 27th

Average policy expenditure: $864 (2019)
Rank: 34th
Auto Insurance Report PAIN Index rank: 48th (2019)
Property Insurance Report HURT Index rank: 40th (2019)

Auto registrations: 460,825 (2020)
Truck registrations: 814,942 (2020)
Vehicle miles traveled (VMT): 11.96 billion (2020)
Traffic fatalities: 0.87 per 100 million VMT; U.S.: 1.34 (2020)

Vehicle thefts: 76.4 per 100,000 residents; Region: 127.5 (2020)

Liability defense: modified comparative fault, 51% bar

Minimum Insurance Requirements:
Insurance not required, but if purchased minimum limits are: BI: $25,000/$50,000 • PD: $25,000

Safety Laws
Ban on texting and handheld cellphones for all drivers; ban on cellphones for young drivers
Graduated licensing law
No seat belts or motorcycle helmets required

Demographics
Population: 1.4 million (2022)
Change 2010-2020: 4.6%, U.S.: +7.4%
Median household income (avg. 2017-2021): $83,449; U.S.: $69,021
Population density: 153.9 per square mile; U.S.: 93.8 per square mile (2020)

Sources: S&P Global Market Intelligence; NAIC; U.S. Dept. of Transportation; NAMIC; U.S. Census; Insurance Institute for Highway Safety; FBI; Matthiesen, Wickert & Lehrer

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ages drivers to contact Uber first after a collision.

NCOIL members consider the TNC model one of its most successful in recent years as it became the basis for laws passed in dozens of states in the last decade, said NCOIL CEO **Tom Considine**.

According to NCOIL meeting minutes, DoorDash generally supported the creation of the model but pushed back on the requirement to cover the availability period. The company does not require its drivers to accept a minimum number of jobs while logged into the app, and so it was concerned it could be exposed to liability risk if its drivers routinely turned on the app while running personal errands.

The new DNC model also applies to drivers who deliver goods with their own vehicles for businesses like **Amazon**, which also opposed the availability period requirements, Rowland said. Unlike drivers for Grubhub and DoorDash who are generally in their car when they turn on the app and decide whether to accept a delivery, contract drivers for Amazon often schedule pickups in advance – hypothetically from their couch or other location.

Amazon was concerned that it would be exposed to liability claims whenever its contractors turned on the app, whether they were driving the car or not. To satisfy those concerns, the model includes language specifying that the liability coverage is only in effect when the worker is both driving the car and on the app.

"We had over a dozen stakeholders involved in the development of the model, including the major insurance trade groups, some individual insurers, and including many of the companies operating as DNCs," Nail said.

"There may have been preferred alternative language that some stakeholders argued for that was not adopted by the committee." he said.

"But that did not result in the attempts to stymie the underlying effort to create the model law." AIR

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to New Hampshire's competitive auto insurance market. "Certainly, I think the name of the game in New Hampshire has got to be consensus," Whelan said, citing Republican's narrow 203-197 majority in the state House of Representatives. "In order to enact anything, there really has to be some consensus, especially in the House."

As prices rise, New Hampshire's insurance commissioner encourages drivers to shop among the many carriers competing for business.

While the market is stable, there has been some recent shuffling among top 10 carriers. Progressive surpassed Geico in 2020 to become the largest personal auto group, and it became the first company in at least two decades to write more than 15% of statewide premium. **Amica** was the fastest growing personal auto group among the top 10 in New Hampshire in 2021, increasing its premium 27.3%, followed by **Travelers** at 16.2% and **Auto Club** at 13.3%. AIR

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