

STATEMENTS OF POLICY

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 65]

Genderless Automobile Insurance Rates—Statement of Policy

The Insurance Department (Department) deletes Chapter 65, Subchapter A (relating to genderless automobile insurance rates—statement of policy) to read as set forth in Annex A. Since the subchapter was issued as a statement of policy and not a regulation, it is not necessary to publish the deletion in proposed form. The statement of policy was announced under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412); sections 4 and 5(a)(7) of the Unfair Insurance Practices Act (40 P. S. §§ 1171.4 and 1171.5(a)(7)); and The Casualty and Surety Rate Regulatory Act (40 P. S. §§ 1181—1199). The statement of policy provided guidance to Department staff, insurance companies and rating organizations when the Commonwealth adopted genderless automobile insurance rating.

Purpose

The purpose of this notice is to delete Chapter 65, Subchapter A to eliminate an obsolete statement of policy. On April 25, 1988, Commonwealth Court decided *Bartholomew v. Foster*, 541 A.2d 393 (Pa. Cmwlth. 1988), declaring sex-based insurance rates to be violative of PA. CONST. Art. I, § 28 (Equal Rights Amendment). The statement of policy was published at 18 Pa.B. 4685 (October 15, 1988). The statement of policy was issued to inform the public of the Department's position with respect to genderless automobile insurance rating in this Commonwealth. The statement of policy also assisted insurers to comply with PA. CONST. Art. I, § 28.

The Department required insurance companies and rating organizations to adopt rates eliminating gender based insurance rates in this Commonwealth on or before March 1, 1989. Since that date, the Department has not approved an automobile rate filing which included a gender based risk classification. Since the purpose of this statement of policy has been accomplished, and the Department's position regarding the *Bartholomew* decision is well understood by the industry, the statement of policy is no longer necessary and is obsolete. Additionally,

the Pennsylvania Constitution prohibits sex-based discrimination in auto insurance and the Department's statement of policy is not necessary to continue this prohibition.

Fiscal Impact

The deletion of this statement of policy has no fiscal impact.

Paperwork

The deletion of this statement of policy has no impact on paperwork requirements.

Affected Parties

The deletion of these sections will affect licensed property and casualty insurers and rating organizations in this Commonwealth.

Effectiveness/Sunset Date

The deletion of the statement of policy will become effective upon final publication in the *Pennsylvania Bulletin*. Because this document deletes an obsolete statement of policy, no sunset date has been assigned.

Contact Person

Information regarding this matter may be addressed in writing to Randy Rohrbaugh, Director, Property and Casualty Bureau, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, telephone (717) 787-3044.

LINDA S. KAISER,
Insurance Commissioner

(Editor's Note: The regulations of the Insurance Department are amended by deleting a statement of policy at §§ 65.1—65.3 to read as set forth in Annex A.)

Fiscal Note: 11-163. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 31. INSURANCE

PART II. AUTOMOBILE INSURANCE

CHAPTER 65. MISCELLANEOUS PROVISIONS

Subchapter A. [Reserved]

§§ 65.1—65.3. [Reserved].

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