

DEPARTMENT OF INSURANCE**Legal Division, Rate Enforcement Bureau**45 Fremont Street, 21st Floor
San Francisco, CA 94105**RH01015532****December 21, 2001****TEXT OF PROPOSED REGULATION
Accident Verification**

Title 10, California Code of Regulations, Section 2632.13 is proposed for amendment as follows¹

**2632.13. Eligibility to Purchase Good Driver Discount Policy and
Guidelines for Determination of "Principally At-Fault."**

...

(i) Notwithstanding any other provision of this section, in determining a driver's at-fault accident history, a driver's declaration, under penalty of perjury, attesting to his or her at-fault accident history, shall be sufficient proof of that accident history in the absence of contrary information from an independent source. If an insurer discovers that the declaration contains a fraudulent or material misrepresentation, the insurer may use that information to rate the policy, may cancel the policy pursuant to California Insurance Code sections 661 and 1861.03(c)(1) and take any other action authorized by law.

Nothing in this subdivision shall prevent an insurer from using information available from the public record of traffic violation convictions as set forth in section 2632.5(c)(1)(A), principally at-fault accidents as set forth in this section, or information from a subscribing loss underwriting exchange carrier. Nothing in this subdivision shall prevent an insurer from asking

¹ New language is underlined.

follow-up questions about the information contained in the declaration, and nothing in this subdivision shall authorize a driver to refuse to answer a reasonable follow-up question.

If an insurer discovers contrary information from an independent source disputing the driver's declaration, the insurer shall so notify the driver within ten days of discovery of the contrary information and allow the driver at least five days to provide a response.

Within 45 days of the effective date of this subsection, each insurer writing private passenger automobile insurance shall file, with the Department's Rate Filing Bureau, (1) evidence demonstrating its compliance with this subsection or (2) a plan demonstrating how it will comply with this subsection. If the insurer files a plan demonstrating how it will comply with this subsection, it shall, within 120 days of the effective date of this subsection, file class plan and/or rate applications which are in compliance with this subsection. For insurers whose plan requires the Commissioner's prior approval of a revised class plan and/or rate application to achieve compliance, the insurer shall implement the revised class plan and/or rate application in accordance with the terms of the Commissioner's approval of the revised class plan and/or rate application.

(j) [current subsection (i) becomes subsection (j)].

NOTE: Authority cited: Sections 1861.02, 1861.025, 12921 and 12926, Insurance Code; *CalFarm Insurance Company v. Deukmejian*, 48 Cal.3d 805 (1989). Reference: Sections 488.5, 1861.02 and 1861.025, Insurance Code; Section 12810, Vehicle Code.