

CHAPTER NO. 615

SENATE BILL NO. 284

INTRODUCED BY LOWE, KOLSTAD, STORY, McCALLUM,
UNDERDAL, BOYLAN, ROSKIE, TOWE

IN THE SENATE

January 29, 1979	Introduced and referred to Committee on Judiciary.
February 2, 1979	Fiscal note requested.
February 8, 1979	Fiscal note returned.
February 16, 1979	Committee recommend bill do pass. Report adopted.
February 17, 1979	Printed and placed on members' desks.
February 19, 1979	Second reading, do pass as amended.
February 20, 1979	Correctly engrossed.
February 21, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 22, 1979	Introduced and referred to Committee on Judiciary.
March 19, 1979	Committee recommend bill be concurrent in as amended. Report adopted.
March 20, 1979	Second reading, concurred in.
March 23, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 24, 1979	Returned from second house. Concurred in as amended.
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March 26, 1979	Second reading, pass consideration until March 28, 1979.
March 28, 1979	Second reading, amendments rejected. On motion, Free Joint Conference Committee requested.
March 29, 1979	Free Joint Conference Committee appointed.
April 7, 1979	Free Joint Conference Committee reported.
April 9, 1979	Second reading, adopted.
April 10, 1979	Third reading, adopted. Adopted by second house.
April 11, 1979	Sent to enrolling. Reported correctly enrolled.

1
 2 INTRODUCED BY *Sen. Steve McCallum* BILL NO. *284 Underpal*
 3 *Sen. Ryan Rockis*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH REPORTING
 5 REQUIREMENTS FOR PRODUCT LIABILITY INSURERS."

6
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Product liability insurer -- report. (1)
 9 Each insurance company doing business in this state that
 10 insures against product liability losses shall make and file
 11 with the department of insurance, on or before April 1 of
 12 each year, a report for the year ending December 31
 13 immediately preceding, upon a form to be prescribed and that
 14 may be furnished by the department.

15 (2) The report shall include the following
 16 information:

17 (a) the name of the insurance company;
 18 (b) the kinds of insurance that the company writes and
 19 the states in which the company issues policies providing
 20 insurance against product liability losses;

21 (c) the amount of product liability insurance premiums
 22 collected for the year, indicating the amount of premiums
 23 allocable to Montana and the total nationwide amount, on:

24 (i) policies insuring only against product liability
 25 losses;

1 (ii) policies that include insurance against product
 2 liability losses among other losses if the premiums are
 3 divisible and identifiable; and

4 (iii) policies for excess coverage on product liability
 5 losses;

6 (d) the amount of product liability insurance premiums
 7 not shown under subsection (2)(c)(ii) for insurance that
 8 includes coverage for product liability if the premiums are
 9 not divisible but are, for experience purposes, separately
 10 allocable for Montana and nationwide;

11 (e) information for product liability insurance
 12 experience separately allocated to Montana and nationwide
 13 showing the:

14 (i) total amount of earned premiums;

15 (ii) total amount of incurred losses, including all
 16 loss adjustment expense;

17 (iii) amount of incurred losses including all loss
 18 adjustment expense represented by reserves other than
 19 incurred but not reported reserves; and

20 (iv) amount of reserves represented by incurred but not
 21 reported reserves, together with the formula used to develop
 22 such incurred but not reported reserves and the allocation
 23 thereof to each state; and

24 (f) for any claim, loss, or action for bodily injury,
 25 death, or property damage allocated to Montana experience if

1 there has been a final judgment or a settlement in any
 2 amount or if there has been a final disposition not
 3 resulting in a loss payment on behalf of the insured:

4 (i) each claim file number and county in which filed,
 5 if any;

6 (ii) a description of the type of product involved in
 7 each claim;

8 (iii) the rating classification code for the product
 9 involved in each claim;

10 (iv) the date of occurrence from which each claim
 11 arose;

12 (v) the state or other jurisdiction wherein each claim
 13 was adjudicated, settled, or other disposition made;

14 (vi) the date legal action commenced, if filed;

15 (vii) the date and amount of final judgment or
 16 settlement, if any, and the number of plaintiffs or
 17 claimants involved in the disposition of the judgment or
 18 settlement, together with the amount received by each such
 19 party;

20 (viii) the date and basis for final disposition of each
 21 claim if there was no final judgment or settlement;

22 (ix) a brief description of the occurrence out of which
 23 the claim arose;

24 (x) the total number of all claims;

25 (xi) the total number of all claims closed without

1 payments;

2 (xii) the total number of claims closed with payments
 3 as a result of final judgment and the total amount paid
 4 thereon;

5 (xiii) the total number of claims closed with payment
 6 based on a settlement prior to final judgment and the total
 7 amount paid thereon;

8 (xiv) the total number of suits filed;

9 (xv) the total number of final verdicts or final
 10 judgments for defendants;

11 (xvi) the total number of final verdicts or final
 12 judgments for plaintiffs; and

13 (xvii) such other information as the department may
 14 require.

15 Section 2. Department to make reports available. The
 16 department of insurance shall make the reports required
 17 under [section 1] available to the public on request at a
 18 fee prescribed by the department, not to exceed reasonable
 19 costs, and in a manner that does not reveal the names of any
 20 manufacturer, distributor, seller, or other person involved.

21 Section 3. Insurer not liable for making report. No
 22 liability may arise against any insurer or against its
 23 agents or employees as a result of making a report pursuant
 24 to [section 1].

-End-

STATE OF MONTANA

Request No. 204-79

FISCAL NOTE

Form BD-15

In compliance with a written request received February 2, 1979, there is hereby submitted a Fiscal Note for Senate Bill 284 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 284 is an act requiring a report from each insurer writing product liability in Montana, answering 29 questions.

ASSUMPTIONS:

1. The act will be effective July 1, 1979.
2. The Commissioner of Insurance will be required to design and furnish a form, gather the information from each insurer, collate and summarize the information, and make it available to the public.
3. Costs are based on current cost of personal services and current operating expenses of the Insurance Department. Capital outlay is catalogue price of a desk, typewriter, and calculator. Cost of forms is estimated from past experience and added to operating expense.
4. The public charge will be 10.00 for each copy of the report. Revenues from the sale of the report will be minimal.

FISCAL IMPACT:

Additional cost of proposed legislation	<u>FY 80</u>	<u>FY 81</u>
Personal services	\$12,200	\$13,000
Operating expenses	2,800	2,050
Equipment	1,500	0
Total	<u>\$16,500</u>	<u>\$15,050</u>

The additional cost must be funded from the State General Fund.

Richard L. Drayton
 BUDGET DIRECTOR
 Office of Budget and Program Planning
 Date: 2/8/79

1
 2 INTRODUCED BY *Sen. Bill No. 284 Underdal*
 3 *John Holstad Story McCallum*
Donna Larkin

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 5 REQUIREMENTS FOR PRODUCT LIABILITY INSURERS."

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 11 with the department of insurance, on or before April 1 of
 12 each year, a report for the year ending December 31
 13 immediately preceding, upon a form to be prescribed and that
 14 may be furnished by the department.

15 (2) The report shall include the following
 16 information:

- 17 (a) the name of the insurance company;
- 18 (b) the kinds of insurance that the company writes and
 19 the states in which the company issues policies providing
 20 insurance against product liability losses;
- 21 (c) the amount of product liability insurance premiums
 22 collected for the year, indicating the amount of premiums
 23 allocable to Montana and the total nationwide amount, on:
 - 24 (i) policies insuring only against product liability
 25 losses;

1 (ii) policies that include insurance against product
 2 liability losses among other losses if the premiums are
 3 divisible and identifiable; and

4 (iii) policies for excess coverage on product liability
 5 losses;

6 (d) the amount of product liability insurance premiums
 7 not shown under subsection (2)(c)(ii) for insurance that
 8 includes coverage for product liability if the premiums are
 9 not divisible but are, for experience purposes, separately
 10 allocable for Montana and nationwide;

11 (e) information for product liability insurance
 12 experience separately allocated to Montana and nationwide
 13 showing the:

- 14 (i) total amount of earned premiums;
- 15 (ii) total amount of incurred losses, including all
 16 loss adjustment expense;
- 17 (iii) amount of incurred losses including all loss
 18 adjustment expense represented by reserves other than
 19 incurred but not reported reserves; and
- 20 (iv) amount of reserves represented by incurred but not
 21 reported reserves, together with the formula used to develop
 22 such incurred but not reported reserves and the allocation
 23 thereof to each state; and
- 24 (f) for any claim, loss, or action for bodily injury,
 25 death, or property damage allocated to Montana experience if

1 there has been a final judgment or a settlement in any
 2 amount or if there has been a final disposition not
 3 resulting in a loss payment on behalf of the insured:

4 (i) each claim file number and county in which filed,
 5 if any;

6 (ii) a description of the type of product involved in
 7 each claim;

8 (iii) the rating classification code for the product
 9 involved in each claim;

10 (iv) the date of occurrence from which each claim
 11 arose;

12 (v) the state or other jurisdiction wherein each claim
 13 was adjudicated, settled, or other disposition made;

14 (vi) the date legal action commenced, if filed;

15 (vii) the date and amount of final judgment or
 16 settlement, if any, and the number of plaintiffs or
 17 claimants involved in the disposition of the judgment or
 18 settlement, together with the amount received by each such
 19 party;

20 (viii) the date and basis for final disposition of each
 21 claim if there was no final judgment or settlement;

22 (ix) a brief description of the occurrence out of which
 23 the claim arose;

24 (x) the total number of all claims;

25 (xi) the total number of all claims closed without

1 payments;

2 (xii) the total number of claims closed with payments
 3 as a result of final judgment and the total amount paid
 4 thereon;

5 (xiii) the total number of claims closed with payment
 6 based on a settlement prior to final judgment and the total
 7 amount paid thereon;

8 (xiv) the total number of suits filed;

9 (xv) the total number of final verdicts or final
 10 judgments for defendants;

11 (xvi) the total number of final verdicts or final
 12 judgments for plaintiffs; and

13 (xvii) such other information as the department may
 14 require.

15 Section 2. Department to make reports available. The
 16 department of insurance shall make the reports required
 17 under [section 1] available to the public on request at a
 18 fee prescribed by the department, not to exceed reasonable
 19 costs, and in a manner that does not reveal the names of any
 20 manufacturer, distributor, seller, or other person involved.

21 Section 3. Insurer not liable for making report. No
 22 liability may arise against any insurer or against its
 23 agents or employees as a result of making a report pursuant
 24 to [section 1].

-End-

SENATE BILL NO. 284

INTRODUCED BY LOWE, KOLSTAD, STORY, McCALLUM,

UNDERDAL, BOYLAN, ROSKIE, TOWE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH REPORTING REQUIREMENTS FOR PRODUCT LIABILITY INSURERS."

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(2) The report shall include the following information:

(a) the name of the insurance company;

(b) the kinds of insurance that the company writes and the states in which the company issues policies providing insurance against product liability losses;

(c) the amount of product liability insurance premiums collected for the year, indicating the amount of premiums allocable to Montana and the total nationwide amount; and

(d) policies insuring only against product liability

losses;

(iii) policies that include insurance against product liability losses among other losses if the premiums are divisible and identifiable; and

(iii) policies for excess coverage on product liability losses;

(d) the amount of product liability insurance premiums not shown under subsection (2)(c)(i) for insurance that includes coverage for product liability if the premiums are not divisible but are for experience purposes separately allocable for Montana and nationwide;

(e) information for product liability insurance experience separately allocated to Montana and nationwide showing the:

(i) total amount of earned premiums;

(ii) total amount of incurred losses, including all loss adjustment expenses;

(iii) amount of incurred losses including all loss adjustment expense represented by reserves other than incurred but not reported reserves; and

(iv) amount of reserves represented by incurred but not reported reserves, together with the formula used to develop such incurred but not reported reserves and the allocation thereof to each state; and

(f) for any claim, loss or action for bodily injury,

1 death or property damage allocated to Montana experience if
 2 there has been a final judgment or a settlement in any
 3 amount or if there has been a final disposition not
 4 resulting in a loss payment on behalf of the insured;
 5 (i) each claim file number and county in which filed;
 6 if any;
 7 (ii) a description of the type of product involved in
 8 each claim;
 9 (iii) the rating classification code for the product
 10 involved in each claim;
 11 (iv) the date of occurrence from which each claim
 12 arose;
 13 (v) the state or other jurisdiction wherein each claim
 14 was adjudicated, settled, or other disposition made;
 15 (vi) the date legal action commenced, if filed;
 16 (vii) the date and amount of final judgment or
 17 settlement, if any, and the number of plaintiffs or
 18 claimants involved in the disposition of the judgment or
 19 settlement together with the amount received by each such
 20 party;
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 22 claim if there was no final judgment or settlement;
 23 (ix) a brief description of the occurrence out of which
 24 the claim arose;
 25 (x) the total number of all claims;

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 2 payments;
 3 (xii) the total number of claims closed with payments
 4 as a result of final judgment and the total amount paid
 5 thereon;
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 7 based on a settlement prior to final judgment and the total
 8 amount paid thereon;
 9 (xiv) the total number of suits filed;
 10 (xv) the total number of final verdicts or final
 11 judgments for defendants;
 12 (xvi) the total number of final verdicts or final
 13 judgments for plaintiffs; and
 14 (xvii) such other information as the department may
 15 require.
 16 Section 2. Department to make reports available. The
 17 department of insurance shall make the reports required
 18 under [section 1] available to the public on request at a
 19 fee prescribed by the department, not to exceed reasonable
 20 costs, and in a manner that does not reveal the names of any
 21 manufacturer, distributor, seller, or other person involved.
 22 Section 3. Insurer not liable for making report. No
 23 liability may arise against any insurer or against its
 24 agents or employees as a result of making a report pursuant
 25 to [section 1].

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UNDERDAL, BOYLAN, ROSKIE, TONE

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH REPORTING REQUIREMENTS FOR PRODUCT LIABILITY INSURERS."

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Each insurance company doing business in this state that insures against product liability losses shall make and file with the department of insurance, on or before April 1 of each year, a report for the year ending December 31 immediately preceding, upon a form to be prescribed and that may be furnished by the department.

~~(2)~~--The--report--shall--include--the--following information:

~~(a)~~--the--name--of--the--insurance--company;

~~(b)~~--the--kinds--of--insurance--that--the--company--writes--and the--states--in--which--the--company--issues--policies--providing insurance--against--product--liability--losses;

~~(c)~~--the--amount--of--product--liability--insurance--premiums collected--for--the--year--indicating--the--amount--of--premiums allocable--to--Montana--and--the--total--nationwide--amount--on:

~~(i)~~--policies--insuring--only--against--product--liability

losses;

~~(ii)~~--policies--that--include--insurance--against--product liability--losses--among--other--losses--if--the--premiums--are divisible--and--identifiable; and

~~(iii)~~--policies--for--excess--coverage--on--product--liability losses;

~~(d)~~--the--amount--of--product--liability--insurance--premiums not--shown--under--subsection--(2)(c)(i)--for--insurance--that includes--coverage--for--product--liability--if--the--premiums--are not--divisible--but--are--for--experience--purposes--separately allocable--for--Montana--and--nationwide;

~~(e)~~--information--for--product--liability--insurance experience--separately--allocated--to--Montana--and--nationwide showing--that:

~~(i)~~--total--amount--of--earned--premiums;

~~(ii)~~--total--amount--of--incurred--losses--including--all loss--adjustment--expenses;

~~(iii)~~--amount--of--incurred--losses--including--all--loss adjustment--expense--represented--by--reserves--other--than incurred--but--not--reported--reserves; and

~~(iv)~~--amount--of--reserves--represented--by--incurred--but--not reported--reserves--together--with--the--formula--used--to--develop such--incurred--but--not--reported--reserves--and--the--allocation thereof--to--each--state; and

~~(f)~~--for--any--claim--loss--or--action--for--bodily--injury

1 death or property damage allocated to Montana experience if
 2 there has been a final judgment or a settlement in any
 3 amount or if there has been a final disposition not
 4 resulting in a loss payment on behalf of the insured
 5 (i) each claim file number and county in which filed
 6 if any
 7 (ii) a description of the type of product involved in
 8 each claim
 9 (iii) the rating classification code for the product
 10 involved in each claim
 11 (iv) the date of occurrence from which each claim
 12 arose
 13 (v) the state or other jurisdiction wherein each claim
 14 was adjudicated, settled, or other disposition made
 15 (vi) the date legal action commenced, if filed
 16 (vii) the date and amount of final judgment or
 17 settlement, if any, and the number of plaintiffs or
 18 claimants involved in the disposition of the judgment or
 19 settlement, together with the amount received by each such
 20 party
 21 (viii) the date and basis for final disposition of each
 22 claim if there was no final judgment or settlement
 23 (ix) a brief description of the occurrence out of which
 24 the claim arose
 25 (x) the total number of all claims

1 (xi) the total number of all claims closed without
 2 payments
 3 (xii) the total number of claims closed with payments
 4 as a result of final judgment and the total amount paid
 5 thereon
 6 (xiii) the total number of claims closed with payment
 7 based on a settlement prior to final judgment and the total
 8 amount paid thereon
 9 (xiv) the total number of suits filed
 10 (xv) the total number of final verdicts or final
 11 judgments for defendants
 12 (xvi) the total number of final verdicts or final
 13 judgments for plaintiffs, and
 14 (xvii) such other information as the department may
 15 require
 16 (2) THE REPORT SHALL INCLUDE THE FOLLOWING
 17 INFORMATION:
 18 (A) THE NAME OF THE INSURANCE COMPANY;
 19 (B) THE KINDS OF INSURANCE THAT THE COMPANY WRITES AND
 20 THE STATES IN WHICH THE COMPANY ISSUES POLICIES PROVIDING
 21 INSURANCE AGAINST PRODUCT LIABILITY LOSSES;
 22 (C) THE AMOUNT OF PRODUCT LIABILITY INSURANCE PREMIUMS
 23 COLLECTED FOR THE YEAR, INDICATING THE AMOUNT OF PREMIUMS
 24 ALLOCABLE TO MONTANA AND THE TOTAL NATIONWIDE AMOUNT; OR:
 25 (1) POLICIES INSURING ONLY AGAINST PRODUCT LIABILITY

1 LOSSES:

2 (II) POLICIES THAT INCLUDE INSURANCE AGAINST PRODUCT

3 LIABILITY LOSSES AMONG OTHER LOSSES IF THE PREMIUMS ARE

4 DIVISIBLE AND IDENTIFIABLE; AND

5 (III) POLICIES FOR EXCESS COVERAGE ON PRODUCT LIABILITY

6 LOSSES:

7 (D) THE AMOUNT OF PRODUCT LIABILITY INSURANCE PREMIUMS

8 NOT SHOWN UNDER SUBSECTION (2)(G)(III) FOR INSURANCE THAT

9 INCLUDES COVERAGE FOR PRODUCT LIABILITY IF THE PREMIUMS ARE

10 NOT DIVISIBLE BUT ARE, FOR EXPERIENCE PURPOSES, SEPARATELY

11 ALLOCABLE FOR MONTANA AND NATIONWIDE;

12 (E) INFORMATION FOR PRODUCT LIABILITY INSURANCE

13 EXPERIENCE SEPARATELY ALLOCATED TO MONTANA AND NATIONWIDE

14 SHOWING THE:

15 (I) TOTAL AMOUNT OF EARNED PREMIUMS;

16 (II) TOTAL AMOUNT OF INCURRED LOSSES, INCLUDING ALL

17 LOSS ADJUSTMENT EXPENSE;

18 (III) AMOUNT OF INCURRED LOSSES INCLUDING ALL LOSS

19 ADJUSTMENT EXPENSE REPRESENTED BY RESERVES OTHER THAN

20 INCURRED BUT NOT REPORTED RESERVES; AND

21 (IV) AMOUNT OF RESERVES REPRESENTED BY INCURRED BUT NOT

22 REPORTED RESERVES, TOGETHER WITH THE FORMULA USED TO DEVELOP

23 SUCH INCURRED BUT NOT REPORTED RESERVES AND THE ALLOCATION

24 THEREOF TO EACH STATE; AND

25 (F) FOR ANY CLAIM, LOSS, OR ACTION FOR BODILY INJURY,

1 DEATH, OR PROPERTY DAMAGE ALLOCATED TO MONTANA EXPERIENCE IF

2 THERE HAS BEEN A FINAL JUDGMENT OR A SETTLEMENT IN ANY

3 AMOUNT OR IF THERE HAS BEEN A FINAL DISPOSITION NOT

4 RESULTING IN A LOSS PAYMENT ON BEHALF OF THE INSURED;

5 (I) EACH CLAIM FILE NUMBER AND COUNTY IN WHICH FILED,

6 IF ANY;

7 (II) A DESCRIPTION OF THE TYPE OF PRODUCT INVOLVED IN

8 EACH CLAIM;

9 (III) THE RATING CLASSIFICATION CODE FOR THE PRODUCT

10 INVOLVED IN EACH CLAIM;

11 (IV) THE DATE OF OCCURRENCE FROM WHICH EACH CLAIM

12 AROSE;

13 (V) THE STATE OR OTHER JURISDICTION WHEREIN EACH CLAIM

14 WAS ADJUDICATED, SETTLED, OR OTHER DISPOSITION MADE;

15 (VI) THE DATE LEGAL ACTION COMMENCED, IF FILED;

16 (VII) THE DATE AND AMOUNT OF FINAL JUDGMENT OR

17 SETTLEMENT, IF ANY, AND THE NUMBER OF PLAINTIFFS OR

18 CLAIMANTS INVOLVED IN THE DISPOSITION OF THE JUDGMENT OR

19 SETTLEMENT, TOGETHER WITH THE AMOUNT RECEIVED BY EACH SUCH

20 PARTY;

21 (VIII) THE DATE AND BASIS FOR FINAL DISPOSITION OF EACH

22 CLAIM IF THERE WAS NO FINAL JUDGMENT OR SETTLEMENT;

23 (IX) A BRIEF DESCRIPTION OF THE OCCURRENCE OUT OF WHICH

24 THE CLAIM AROSE;

25 (X) THE TOTAL NUMBER OF ALL CLAIMS;

1 (XI) THE TOTAL NUMBER OF ALL CLAIMS CLOSED WITHOUT
2 PAYMENTS;

3 (XII) THE TOTAL NUMBER OF CLAIMS CLOSED WITH PAYMENTS
4 AS A RESULT OF FINAL JUDGMENT AND THE TOTAL AMOUNT PAID
5 HEREON;

6 (XIII) THE TOTAL NUMBER OF CLAIMS CLOSED WITH PAYMENT
7 BASED ON A SETTLEMENT PRIOR TO FINAL JUDGMENT AND THE TOTAL
8 AMOUNT PAID HEREON;

9 (XIV) THE TOTAL NUMBER OF SUITS FILED;

10 (XV) THE TOTAL NUMBER OF FINAL VERDICTS OR FINAL
11 JUDGMENTS FOR DEFENDANTS;

12 (XVI) THE TOTAL NUMBER OF FINAL VERDICTS OR FINAL
13 JUDGMENTS FOR PLAINTIFFS; AND

14 (XVII) SUCH OTHER INFORMATION AS THE DEPARTMENT MAY
15 REQUIRE;

16 Section 2. Department to make reports available. The
17 department of insurance shall make the reports required
18 under [section 1] available to the public on request at a
19 fee prescribed by the department, not to exceed reasonable
20 costs, and in a manner that does not reveal the names of any
21 manufacturers, distributors, sellers, or other person involved.

22 Section 3. Insurer not liable for making report. No
23 liability may arise against any insurer or against its
24 agents or employees as a result of making a report pursuant
25 to [section 1].

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INTRODUCED BY LOWE, KOLSTAD, STORY, McCALLUM,

UNDERDAL, BOYLAN, ROSKIE, TOME

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~~(2)~~ The report shall include the following information:

- ~~(a)~~ the name of the insurance company;
- ~~(b)~~ the kinds of insurance that the company writes and the states in which the company issues policies providing insurance against product liability losses;
- ~~(c)~~ the amount of product liability insurance premiums collected for the year, indicating the amount of premiums allocable to Montana and the total nationwide amount; and
- ~~(d)~~ policies insuring only against product liability

losses;

~~(1)~~ policies that include insurance against product liability losses among other losses if the premiums are divisible and identifiable; and

~~(2)~~ policies for excess coverage on product liability losses;

~~(3)~~ the amount of product liability insurance premiums not shown under subsection (2)(c) for insurance that includes coverage for product liability if the premiums are not divisible but are for experience purposes, separately allocable for Montana and nationwide;

~~(4)~~ information for product liability insurance experience separately allocated to Montana and nationwide showing the:

- ~~(i)~~ total amount of earned premiums;
- ~~(ii)~~ total amount of incurred losses, including all loss adjustment expenses;
- ~~(iii)~~ amount of incurred losses, including all loss adjustment expense represented by reserves other than incurred but not reported reserves; and
- ~~(iv)~~ amount of reserves represented by incurred but not reported reserves, together with the formula used to develop such incurred but not reported reserves and the allocation thereof to each state; and
- ~~(v)~~ for any claim, loss, or action for bodily injury

1 death or property damage allocated to Montana experience if
 2 there has been a final judgment or a settlement in any
 3 amount or if there has been a final disposition not
 4 resulting in a loss payment on behalf of the insured;

5 (i) each claim file number and county in which filed;
 6 if any;

7 (ii) a description of the type of product involved in
 8 each claim;

9 (iii) the rating classification code for the product
 10 involved in each claim;

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 14 was adjudicated, settled, or other disposition made;

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14 (xvii) such other information as the department may
 15 require;

16 (2) THE REPORT SHALL INCLUDE THE FOLLOWING
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19 (b) THE KINDS OF INSURANCE THAT THE COMPANY WRITES AND
 20 THE STATES IN WHICH THE COMPANY ISSUES POLICIES PROVIDING
 21 INSURANCE AGAINST PRODUCT LIABILITY LOSSES;

22 (c) THE AMOUNT OF PRODUCT LIABILITY INSURANCE PREMIUMS
 23 COLLECTED FOR THE YEAR, INDICATING THE AMOUNT OF PREMIUMS
 24 ALLOCABLE TO MONTANA AND THE TOTAL NATIONWIDE AMOUNT; OR

25 (d) POLICIES INSURING ONLY AGAINST PRODUCT LIABILITY

1 LOSSES;

2 (ii) POLICIES THAT INCLUDE INSURANCE AGAINST PRODUCT

3 LIABILITY LOSSES AMONG OTHER LOSSES IF THE PREMIUMS ARE

4 DIVISIBLE AND IDENTIFIABLE; AND

5 (iii) POLICIES FOR EXCESS COVERAGE ON PRODUCT LIABILITY

6 LOSSES;

7 (b) THE AMOUNT OF PRODUCT LIABILITY INSURANCE PREMIUMS

8 NOT SHOWN UNDER SUBSECTION (2)(c)(iii) FOR INSURANCE THAT

9 INCLUDES COVERAGE FOR PRODUCT LIABILITY IF THE PREMIUMS ARE

10 NOT DIVISIBLE BUT ARE FOR EXPERIENCE PURPOSES, SEPARATELY

11 ALLOCABLE FOR MONTANA AND NATIONWIDE;

12 (c) INFORMATION FOR PRODUCT LIABILITY INSURANCE

13 EXPERIENCE SEPARATELY ALLOCATED TO MONTANA AND NATIONWIDE

14 SHOWING THE:

15 (i) TOTAL AMOUNT OF EARNED PREMIUMS;

16 (ii) TOTAL AMOUNT OF INCURRED LOSSES, INCLUDING ALL

17 LOSS ADJUSTMENT EXPENSE;

18 (iii) AMOUNT OF INCURRED LOSSES INCLUDING ALL LOSS

19 ADJUSTMENT EXPENSE REPRESENTED BY RESERVES OTHER THAN

20 INCURRED BUT NOT REPORTED RESERVES; AND

21 (iv) AMOUNT OF RESERVES REPRESENTED BY INCURRED BUT NOT

22 REPORTED RESERVES TOGETHER WITH THE FORMULA USED TO DEVELOP

23 SUCH INCURRED BUT NOT REPORTED RESERVES AND THE ALLOCATION

24 THEREOF TO EACH STATE; AND

25 (f) FOR ANY CLAIM, LOSS, OR ACTION FOR BODILY INJURY,

1 DEATH OR PROPERTY DAMAGE ALLOCATED TO MONTANA EXPERIENCE IF

2 THERE HAS BEEN A FINAL JUDGMENT OR A SETTLEMENT IN ANY

3 AMOUNT OR IF THERE HAS BEEN A FINAL DISPOSITION NOT

4 RESULTING IN A LOSS PAYMENT ON BEHALF OF THE INSURED;

5 (ii) EACH CLAIM FILE NUMBER AND COUNTY IN WHICH FILED;

6 IF ANY;

7 (iii) A DESCRIPTION OF THE TYPE OF PRODUCT INVOLVED IN

8 EACH CLAIM;

9 (iv) THE RATING CLASSIFICATION CODE FOR THE PRODUCT

10 INVOLVED IN EACH CLAIM;

11 (v) THE DATE OF OCCURRENCE FROM WHICH EACH CLAIM

12 AROSE;

13 (vi) THE STATE OR OTHER JURISDICTION WHEREIN EACH CLAIM

14 WAS ADJUDICATED, SETTLED, OR OTHER DISPOSITION MADE;

15 (vii) THE DATE LEGAL ACTION COMMENCED, IF FILED;

16 (viii) THE DATE AND AMOUNT OF FINAL JUDGMENT OR

17 SETTLEMENT, IF ANY, AND THE NUMBER OF PLAINTIFFS OR

18 CLAIMANTS INVOLVED IN THE DISPOSITION OF THE JUDGMENT OR

19 SETTLEMENT, TOGETHER WITH THE AMOUNT RECEIVED BY EACH SUCH

20 PARTY;

21 (ix) THE DATE AND BASIS FOR FINAL DISPOSITION OF EACH

22 CLAIM IF THERE WAS NO FINAL JUDGMENT OR SETTLEMENT;

23 (x) A BRIEF DESCRIPTION OF THE OCCURRENCE OUT OF WHICH

24 THE CLAIM AROSE;

25 (xi) THE TOTAL NUMBER OF ALL CLAIMS;

1 ~~(XII) THE TOTAL NUMBER OF ALL CLAIMS CLOSED WITHOUT~~
 2 ~~PAYMENTS;~~
 3 ~~(XIII) THE TOTAL NUMBER OF CLAIMS CLOSED WITH PAYMENTS~~
 4 ~~AS A RESULT OF FINAL JUDGMENT AND THE TOTAL AMOUNT PAID~~
 5 ~~THEREON;~~
 6 ~~(XIV) THE TOTAL NUMBER OF CLAIMS CLOSED WITH PAYMENT~~
 7 ~~BASED ON A SETTLEMENT PRIOR TO FINAL JUDGMENT AND THE TOTAL~~
 8 ~~AMOUNT PAID THEREON;~~
 9 ~~(XV) THE TOTAL NUMBER OF SUITS FILED;~~
 10 ~~(XVI) THE TOTAL NUMBER OF FINAL VERDICTS OR FINAL~~
 11 ~~JUDGMENTS FOR DEFENDANTS;~~
 12 ~~(XVII) THE TOTAL NUMBER OF FINAL VERDICTS OR FINAL~~
 13 ~~JUDGMENTS FOR PLAINTIFFS; AND~~
 14 ~~(XVIII) SUCH OTHER INFORMATION AS THE DEPARTMENT MAY~~
 15 ~~REQUIRE;~~
 16 (2) THE REPORT SHALL INCLUDE THE FOLLOWING
 17 INFORMATION:
 18 (A) THE AMOUNT OF PRODUCT LIABILITY INSURANCE PREMIUMS
 19 COLLECTED FOR THE YEAR, INDICATING THE AMOUNT OF PREMIUMS
 20 ALLOCABLE TO MONTANA AND THE TOTAL NATIONWIDE AMOUNT;
 21 (B) INFORMATION FOR PRODUCT LIABILITY INSURANCE
 22 EXPERIENCE SEPARATELY ALLOCATED TO MONTANA AND NATIONWIDE
 23 SHOWING THE:
 24 (I) TOTAL AMOUNT OF EARNED PREMIUMS;
 25 (II) TOTAL AMOUNT OF INCURRED LOSSES, INCLUDING ALL

1 LOSS ADJUSTMENT EXPENSE;
 2 (III) AMOUNT OF RESERVES FOR BOTH REPORTED AND
 3 UNREPORTED INCURRED LOSSES; AND
 4 (IV) AMOUNT OF OTHER RESERVES FOR OTHER PRODUCT
 5 LIABILITY LOSSES; AND
 6 (C) FOR ANY CLAIM, LOSS, OR ACTION FOR BODILY INJURY,
 7 DEATH, OR PROPERTY DAMAGE ALLOCATED TO MONTANA EXPERIENCE IF
 8 THERE HAS BEEN A FINAL JUDGMENT OR A SETTLEMENT IN ANY
 9 AMOUNT OR IF THERE HAS BEEN A FINAL DISPOSITION NOT
 10 RESULTING IN A LOSS PAYMENT ON BEHALF OF THE INSURED;
 11 (I) A DESCRIPTION OF THE TYPE OF PRODUCT INVOLVED IN
 12 EACH CLAIM;
 13 (II) THE DATE OF OCCURRENCE FROM WHICH EACH CLAIM
 14 AROSE;
 15 (III) THE STATE OR OTHER JURISDICTION WHEREIN EACH
 16 CLAIM WAS ADJUDICATED, SETTLED, OR OTHER DISPOSITION MADE;
 17 (IV) THE DATE LEGAL ACTION COMMENCED, IF FILED;
 18 (V) A BRIEF DESCRIPTION OF THE OCCURRENCE OUT OF WHICH
 19 THE CLAIM AROSE;
 20 (VI) THE TOTAL NUMBER OF ALL CLAIMS;
 21 (VII) THE TOTAL NUMBER OF ALL CLAIMS CLOSED WITHOUT
 22 PAYMENTS;
 23 (VIII) THE TOTAL NUMBER OF FINAL VERDICTS OR FINAL
 24 JUDGMENTS FOR DEFENDANTS;
 25 (IX) THE TOTAL NUMBER OF FINAL VERDICTS OR FINAL

1 JUDGMENTS FOR PLAINTIFFS; AND

2 (X) SUCH OTHER INFORMATION AS THE DEPARTMENT MAY
3 REQUIRE.

4 Section 2. Department to make reports available. The
5 department of insurance shall make the reports required
6 under [section 1] available to the public on request at a
7 fee prescribed by the department, not to exceed reasonable
8 costs, and in a manner that does not reveal the names of any
9 manufacturer, distributor, seller, or other person involved.

10 Section 3. Insurer not liable for making report. No
11 liability may arise against any insurer or against its
12 agents or employees as a result of making a report pursuant
13 to [section 1].

-End-

March 16, 1979

HOUSE OF REPRESENTATIVES

Judiciary Committee amendments to SENATE BILL NO. 284,
third reading copy, as follows:

1. Page 1, line 10.

Following: line 9

Insert: "(1)"

2. Page 4, line 16.

Following: line 15

Insert: "(2) The report shall include the following information:

(a) the name of the insurance company;

(b) the kinds of insurance that the company writes and the states in which the company issues policies providing insurance against product liability losses;

(c) the amount of product liability insurance premiums collected for the year, indicating the amount of premiums allocable to Montana and the total nationwide amount, on:

(i) policies insuring only against product liability losses;

(ii) policies that include insurance against product liability losses among other losses if the premiums are divisible and identifiable; and

(iii) policies for excess coverage on product liability losses;

(d) the amount of product liability insurance premiums not shown under subsection (2) (c) (ii) for insurance that includes coverage for product liability if the premiums are not divisible but are, for experience purposes, separately allocable for Montana and nationwide;

(e) information for product liability insurance experience separately allocated to Montana and nationwide showing the:

(i) total amount of earned premiums;

(ii) total amount of incurred losses, including all loss adjustment expense;

(iii) amount of incurred losses including all loss adjustment expense represented by reserves other than incurred but not reported reserves; and

(iv) amount of reserves represented by incurred but not reported reserves, together with the formula used to develop such incurred but not reported reserves and the allocation thereof to each state; and

(f) for any claim, loss, or action for bodily injury, death, or property damage allocated to Montana experience if there has been a final judgment or a settlement in any amount or if there has been a final disposition not resulting in a loss payment on behalf of the insured:

(i) each claim file number and county in which filed, if any;

(continued)

- (ii) a description of the type of product involved in each claim;
- (iii) the rating classification code for the product involved in each claim;
- (iv) the date of occurrence from which each claim arose;
- (v) the state or other jurisdiction wherein each claim was adjudicated, settled, or other disposition made;
- (vi) the date legal action commenced, if filed;
- (vii) the date and amount of final judgment or settlement, if any, and the number of plaintiffs or claimants involved in the disposition of the judgment or settlement, together with the amount received by each such party;
- (viii) the date and basis for final disposition of each claim if there was no final judgment or settlement;
- (ix) a brief description of the occurrence out of which the claim arose;
- (x) the total number of all claims;
- (xi) the total number of all claims closed without payments;
- (xii) the total number of claims closed with payments as a result of final judgment and the total amount paid thereon;
- (xiii) the total number of claims closed with payment based on a settlement prior to final judgment and the total amount paid thereon;
- (xiv) the total number of suits filed;
- (xv) the total number of final verdicts or final judgments for defendants;
- (xvi) the total number of final verdicts or final judgments for plaintiffs; and
- (xvii) such other information as the department may require.