

IN THE HOUSE

FEBRUARY 20, 1987

RECEIVED FROM SENATE.

SENT TO ENROLLING.

1 HOUSE BILL NO. 41
2 INTRODUCED BY WINSLOW

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ANY
5 RATES, RATING SCHEDULES, OR RATING MANUALS FOR LIABILITY,
6 BODILY INJURY, OR COLLISION COVERAGES OF A MOTOR VEHICLE
7 INSURANCE POLICY FILED WITH THE INSURANCE DEPARTMENT MUST
8 PROVIDE FOR AN APPROPRIATE REDUCTION IN PREMIUM RATES FOR
9 SUCH COVERAGES FOR A 3-YEAR PERIOD AFTER SUCCESSFUL
10 COMPLETION OF AN APPROVED HIGHWAY TRAFFIC SAFETY PROGRAM BY
11 AN INSURED WHO IS 55 YEARS OF AGE OR OLDER; AND AMENDING
12 SECTION 33-16-203, MCA."

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. Section 1. Short title. [Sections 1
16 through 6] may be cited as the "Mature Defensive Driving
17 Act".

18 NEW SECTION. Section 2. Requirement for rate
19 reduction. (1) Any rates, rating schedules, or rating
20 manuals for liability, bodily injury, or collision coverages
21 of a motor vehicle insurance policy filed with the insurance
22 department must provide for an appropriate premium reduction
23 for an insured operator of a covered vehicle who is 55 years
24 of age or older and who has successfully completed a highway
25 traffic safety program as provided by 61-2-102 and 61-2-103.

1 (2) Such reduction is presumed appropriate unless
2 credible data demonstrates otherwise.

3 NEW SECTION. Section 3. Effective period of
4 reduction. (1) The premium reduction required by [section 2]
5 is effective for an insured for a 3-year period after
6 successful completion of the approved course.

7 (2) An insurer may require, as a condition of
8 maintaining the discount, that the insured:

9 (a) not be involved in an accident in which he is at
10 fault;

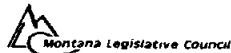
11 (b) not be convicted of or plead guilty or nolo
12 contendere to a moving traffic violation; or

13 (c) not have forfeited bail or collateral for a moving
14 traffic violation.

15 NEW SECTION. Section 4. Certificate. The organization
16 offering the approved course shall issue a certificate to
17 each person who successfully completes the course, which
18 qualifies him for the premium discount required by [section
19 2].

20 NEW SECTION. Section 5. When discount not applicable.
21 The provisions of [section 2] do not apply if the approved
22 course is taken as punishment specified by a court or other
23 governmental entity for a moving traffic violation.

24 NEW SECTION. Section 6. Continued eligibility. Each
25 person shall take an approved course every 3 years in order



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1 to continue to be eligible for the reduction in premium
2 required by [section 2].

3 Section 7. Section 33-16-203, MCA, is amended to read:

4 "33-16-203. Rates filed. (1) Every insurer, rating
5 organization, or advisory organization shall file with the
6 commissioner all rates intended for use within this state,
7 together with supporting data sufficient to substantiate
8 such filing. The filing required by this subsection may be
9 made by rating organizations on behalf of their members and
10 subscribers; but this provision does not prohibit a member
11 or subscriber from filing any such rates on its own behalf.
12 Any deviations from a rating organization's rates by a
13 member or subscriber must be filed with the commissioner and
14 must be accompanied by supporting data.

15 (2) In accordance with [section 2], rates filed must
16 provide for a premium reduction to qualified insured
17 operators 55 years of age or older."

18 NEW SECTION. Section 8. Codification instruction.
19 Sections 1 through 6 are intended to be codified as an
20 integral part of Title 33, chapter 16, part 2, and the
21 provisions of Title 33, chapter 16, part 2, apply to
22 sections 1 through 6.

23 NEW SECTION. Section 9. Severability. If a part of
24 this act is invalid, all valid parts that are severable from
25 the invalid part remain in effect. If a part of this act is

1 invalid in one or more of its applications, the part remains
2 in effect in all valid applications that are severable from
3 the invalid applications.

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BUSINESS AND LABOR

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provided by 61-2-102 and 61-2-103.

(2) Such reduction is presumed appropriate unless credible data demonstrates otherwise.

NEW SECTION. Section 3. Effective period of reduction. (1) The premium reduction required by [section 2] is effective for an insured for a 3-year 2-YEAR period after successful completion of the approved course.

(2) An insurer may require, as a condition of maintaining the discount, that the insured:

(a) not be involved in an accident in which he is at fault;

(b) not be convicted of or plead guilty or nolo contendere to a moving traffic violation; or

(c) not have forfeited bail or collateral for a moving traffic violation.

NEW SECTION. Section 4. Certificate. The organization offering the approved course shall issue a certificate to each person who successfully completes the course, which qualifies him for the premium discount required by [section 2].

NEW SECTION. Section 5. When discount not applicable. The provisions of [section 2] do not apply if the approved course is taken as punishment specified by a court or other governmental entity for a moving traffic violation.

NEW SECTION. Section 6. Continued eligibility. Each



1 person shall take an approved course every 3 2 years in
 2 order to continue to be eligible for the reduction in
 3 premium required by [section 2].

4 Section 7. Section 33-16-203, MCA, is amended to read:

5 "33-16-203. Rates filed. (1) Every insurer, rating
 6 organization, or advisory organization shall file with the
 7 commissioner all rates intended for use within this state,
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 9 such filing. The filing required by this subsection may be
 10 made by rating organizations on behalf of their members and
 11 subscribers; but this provision does not prohibit a member
 12 or subscriber from filing any such rates on its own behalf.
 13 Any deviations from a rating organization's rates by a
 14 member or subscriber must be filed with the commissioner and
 15 must be accompanied by supporting data.

16 (2) In accordance with [section 2], rates filed must
 17 provide for a premium reduction to qualified insured
 18 operators 55 years of age or older."

19 NEW SECTION. Section 8. Codification instruction.

20 Sections 1 through 6 are intended to be codified as an
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