

**NEW YORK STATE
INSURANCE DEPARTMENT**

**FIRST AMENDMENT TO REGULATION NO. 92
(11 NYCRR 168)**

**NONCOMMERCIAL PRIVATE PASSENGER AUTOMOBILE INSURANCE RATES
FOR INEXPERIENCED PRINCIPAL OPERATORS**

I, Gregory V. Serio, Superintendent of Insurance of the State of New York, pursuant to the authority granted by Sections 201, 301, and 2332 of the Insurance Law, do hereby promulgate the following First Amendment to Part 168 of Title 11 of the Official Compilation of Codes, Rules and Regulations of the State of New York (Regulation No. 92), to take effect upon publication in the State Register, to read as follows:

(Matter in brackets is deleted: new matter is underlined)

The statutory authority references for Part 168 are repealed and a new statutory authority is added to read as follows:

Insurance Law Sections 201, 301, and 2332

Subdivision (a) of Section 168.1 is amended to read as follows:

(a) [Chapter 70 of the Laws of 1980 added a new section 183-a to the Insurance Law in relation to motor vehicle insurance rates. Subdivision 2 of section 183-a] Section 2332 of the Insurance Law requires that all rates, rating plans, rating rules and rate manuals approved to be effective on and after January 1, 1981, which are applicable to noncommercial private passenger automobile collision, no-fault, bodily injury liability and property damage liability coverages, shall reflect " _____ an appropriate rate differential between an experienced and inexperienced principal operator." The enactment of section [183-a(2)] 2332 represents a legislative recognition that experienced drivers will have significantly better accident records and lower insurance losses than inexperienced drivers. Pursuant to statutory requirement, the superintendent conducted a public hearing on the subject of a rate differential between experienced and inexperienced operators. The purpose of this implementing regulation, which requires a differential for inexperienced drivers, is to eliminate or minimize subsidization of inexperienced drivers by experienced drivers.

Paragraph (1) of subdivision (c) of Section 168.1 is amended to read as follows:

(1) prior to the enactment of section [183-a(2)] 2332, most insurers' statistical plans did not require that loss data be maintained on inexperienced operators. Because the number of inexperienced drivers is relatively small in relation to the total number of drivers, even those insurers which have maintained such a classification have difficulty in assembling credible statistics;

The opening paragraph of Section 168.2 is amended to read as follows:

The following procedures shall be applicable to all rates subject to the provisions of section [183-a(2)] 2332 of the Insurance Law: