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STATEMENT OF BRAD SMOOT
LEGISLATIVE COUNSEL, THE AMERICAN INSURANCE ASSOCIATION
SPECIAL COMMITTEE ON INSURANCE
REGARDING 2015 HB 2067
MINIMUM LIABILITY LIMITS FOR MOTOR VEHICLES
DECEMBER 7, 2015

Mr. Chairman and Members:

Thank you for this opportunity to comment on HB 2067 on behalf of the American Insurance Association. AIA is a trade group of more than 300 member insurance companies who write commercial, general liability, auto, home, life and workers compensation insurance in all 50 states. Our members include companies that are household names, employ thousands of Kansans and may even insure your family or business.

The American Insurance Association respectfully urges the Committee not endorse HB 2067. Kansas law requires all drivers to carry at least minimum levels of liability coverage. The state makes every effort to enforce this requirement by imposing criminal penalties for failure to maintain coverage, requiring drivers to show proof of coverage at annual registration and requiring proof of coverage during a traffic stop. Despite these efforts, the Insurance Information Institute estimates that 9.4% of Kansas drivers fail to maintain the required liability insurance and the Kansas Insurance Department has estimated that number may be as high 13% during a typical year. The state also requires auto insurers to report their lists of insured drivers to the Motor Vehicle Department so that the state can verify coverage and DMV regularly looks at ways to further encourage compliance with the mandated minimum coverage. I currently serve on a Department of Revenue task force that again is looking at "real time" electronic verification of auto coverage as another method to solve the uninsured motorist problem. Our next meeting is December 15, 2015.

In short, the state of Kansas has expended enormous amounts of time and effort to deal with the uninsured motorist. Yet those drivers are still among us. We don't think it takes data or research to understand why there are so many uninsured motorists. It must be, in part, a matter of money. Even with modest minimums like those in Kansas and most other states, some folks just can't afford to maintain insurance coverage. We think the Legislature would want to avoid exasperating this problem by making minimum coverage even less affordable. Raising coverages as proposed by HB 2067 raises premiums and those folks least able to pay would be most affected by the change.

As insurance companies, AIA members are more than willing to sell larger insurance coverages and encourage drivers to buy as much coverage as they need. The law in question is a mandatory minimum. Kansans can purchase all the coverage they want and can afford. The question posed by HB 2067, is how much liability coverage are you going to require your constituents to purchase.

Attached is a chart from the Insurance Information Institute containing the private passenger auto minimum liability limits imposed by each state. As you can see, current Kansas law is very much in line with most states. HB 2067 would move Kansas to one of the highest mandated minimums in the nation. Property damage limits proposed are particularly unusual, as no other state appears to have a minimum that high. AIA urges the legislature to be cautious about making such a move and to be mindful of the unintended consequences for your constituents. Thank you.

Attachment