

## BUREAU OF INSURANCE REGULATION ACTIVITIES FOR THE FISCAL YEAR ENDING JUNE 30, 2005

The regulation of insurance was transferred to the State Corporation Commission from the Auditor of Public Accounts in 1906. The Bureau of Insurance (Bureau) has licensed and examined the affairs of insurance companies since that time. Here in the Commonwealth of Virginia, the functions of the Bureau have increased with the complexity and importance of insurance in our daily lives. In keeping with the Commission's mission, Bureau staff strives to balance the interests of insurance consumers with its duty to regulate Virginia's business responsibility.

The Bureau of Insurance is divided into the following four divisions: The Financial Regulation Division licenses, analyzes, and examines insurance companies and, if necessary, takes steps to resolve financial problems before a company becomes unable to meet its obligations; the Life and Health Market Regulation Division regulates the activities of life, and accident and sickness insurers and health maintenance organizations; the Property and Casualty Market Regulation Division regulates the activities of property and casualty insurers (automobile, homeowner's liability, and property); and the Agent Regulation and Administration Division regulates the activities of insurance agents, collects various special taxes and assessments on insurance companies as well as, working in an auxiliary role to support the Bureau's other divisions.

The regulatory functions of the Bureau of Insurance include: (1) Agent Investigations staff monitor the activities of insurance agents and agencies to ensure their actions comply with state law; (2) Consumer Services staff answer questions and assists consumers with problems concerning insurance companies or agents by investigating consumer complaints; (3) Market Regulation staff conduct on-site field examinations of insurance company practices in Virginia to ensure compliance with state law, to verify whether a company pays claims timely, ensure that underwriting decisions are not unfairly discriminatory, and to evaluate marketing materials to ensure that they are not misleading; (4) the Office of the Managed Care Ombudsman promotes and protects the interests of covered persons under Managed Care Health Insurance Plans (MCHIP) and assists consumers in understanding and exercising their rights of appeal of adverse decisions made by MCHIPs; and (5) Policy Forms and Rates Filing staff evaluate insurance policies and rates to ensure compliance with state law, are written in understandable language, and that premiums charged are reasonable and not unfairly discriminatory.

### SUMMARY OF 2005 ACTIVITIES

|   |        |
|---|--------|
| New insurance companies licensed to do business in Virginia                 | 52     |
| Insurance company financial statements analyzed                             | 6,528  |
| Financial examinations of insurance companies conducted                     | 36     |
| Property and Casualty insurance rules, rates and form submissions           | 5,366  |
| Life and Health insurance policy forms and rates submissions                | 7,266  |
| Property and Casualty insurance complaints received                         | 3,069  |
| Life and Health insurance complaints received                               | 2,351  |
| Market conduct examinations completed by the Life and Health Division       | 21     |
| Market conduct examinations completed by the Property and Casualty Division | 17     |
| Insurance agents and agencies licensed                                      | 47,664 |
| Tax and assessment audits   | 7,968  |

### EXTERNAL APPEAL FISCAL YEAR 2005

|   |           |
|---|-----------|
| Number of Cases Reviewed                      | 198       |
| Eligible Appeals                              | 90        |
| Ineligible Appeals                            | 108       |
| Eligibility Pending                           | 0         |
| Final Adverse Decision Upheld By Reviewer     | 46        |
| Final Adverse Decision Overturned by Reviewer | 35        |
| MCHIP Reversed Itself                         | 9         |
| Appeal Decisions Pending                      | 0         |
| Approximate Cost Savings to Appellants        | \$561,387 |

### NOTICE OF INSURANCE-RELATED ENTITIES IN RECEIVERSHIP

Pursuant to Virginia Code § 38.2-1517, please **TAKE NOTICE** that the following insurance-related entities are in receivership under authority of various provisions of Title 38.2 of the Code of Virginia:

**Fidelity Bankers Life Insurance Company d/b/a First Dominion Life Insurance (FBL/FD).** Date of receivership: May 13, 1991. The company will not resume the transaction of the business of insurance. For more information/updates you can e-mail [www.fblic.com](http://www.fblic.com).

**HOW Insurance Company, a Risk Retention Group, Home Owners Warranty Corporation and Home Warranty Corporation (the HOW Companies).** Date of receivership: October 7, 1994. The company will not resume the transaction of the business of insurance. For more information/updates you can e-mail [www.howcorp.com](http://www.howcorp.com).

The Commission is the Receiver, and Commissioner of Insurance Alfred W. Gross is the Deputy Receiver, of FBL/FD and the HOW Companies. Any inquiries concerning the conduct of the receivership of First Dominion Life Insurance Company and the HOW Companies may be directed to their Special Deputy Receiver, Patrick H. Cantilo, Esquire, Cantilo & Bennett, LLP; Suite 200, Building C, 7501 North Capital of Texas Highway, Austin, Texas 78731.

**Reciprocal of America (ROA) and The Reciprocal Group (TRG).** Date of receivership: January 29, 2003. An Order of Liquidation with a Finding of Insolvency and Directing the Cancellation of Direct Insurance Policies was entered on June 20, 2003, and on October 28, 2003, the proposed plan of liquidation was approved by entry of an Order Setting Final Bar Date and Granting the Deputy Receiver Continuing Authority to Liquidate Companies.

The Commission is the Receiver, and the Commissioner of Insurance, Alfred W. Gross, is the Deputy Receiver of ROA and TRG. Any inquiries concerning the conduct of the receivership of ROA and TRG may be directed to Mike R. Parker, Receivership Operations Manager at 4200 Innsbrook Drive, Glen Allen, Virginia, or P. O. Box 85058, Richmond, Virginia 23285-5058 or by e-mail at [www.reciprocalgroup.com](http://www.reciprocalgroup.com).

**COMPARISON OF FEES AND TAXES COLLECTED BY THE BUREAU OF INSURANCE  
FOR THE FISCAL YEARS ENDING JUNE 30, 2004, AND JUNE 30, 2005**

| Kind   | <u>2004</u>             | <u>2005</u>             | Increase or<br>(Decrease) |
|--|-------------------------|-------------------------|---------------------------|
| <u>General Fund</u>  |                         |                         |                           |
| Gross Premium Taxes of Insurance Companies                                       | \$351,275,578.99        | \$373,568,970.80        | \$22,293,391.81           |
| Fraternal Benefit Societies Licenses   | 520.00                  | 500.00                  | (20.00)                   |
| Interest on Delinquent Taxes   | 205,142.28              | 120,250.62              | (84,891.66)               |
| Penalty on non-payment of taxes by due date                                      | 132,515.45              | 104,661.80              | (27,853.65)               |
| <u>Special Fund</u>  |                         |                         |                           |
| Company License Application Fee  | 20,500.00               | 24,000.00               | 3,500.00                  |
| Health Maintenance Organization License Fee                                      | 0.00                    | 500.00                  | 500.00                    |
| Automobile Club/ Agent Licenses  | 7,500.00                | 6,800.00                | (700.00)                  |
| Insurance Premium Finance Companies Licenses                                     | 13,600.00               | 13,800.00               | 200.00                    |
| Agents Appointment Fees  | 13,916,087.00           | 14,037,815.00           | 121,728.00                |
| Surplus Lines Broker Licenses  | 43,800.00               | 52,650.00               | 8,850.00                  |
| Producer License Application Fees  | 706,847.00              | 695,776.00              | (11,071.00)               |
| Surety Bail Bondsmen License Fee   | 17,050.00               | 4,050.00                | (13,000.00)               |
| P&C Consultant License Fees  | 58,975.00               | 58,600.00               | (375.00)                  |
| Recording, Copying, and Certifying Public Records Fee                            | 59,743.50               | 41,040.10               | (18,703.40)               |
| SCC Bad Check Fee  | 75.00                   | 225.00                  | 150.00                    |
| Managed Care Health Ins. Plan Appeals Fee  | 1,600.00                | 1,700.00                | 100.00                    |
| Administrative Penalty Payment   | 232,000.00              | 0.00                    | (232,000.00)              |
| State Publication Sales  | 0.00                    | 0.00                    | 0.00                      |
| Assessments To Insurance Companies for<br>Maintenance of the Bureau of Insurance | 5,666,357.65            | 5,466,902.15            | (199,455.50)              |
| Reinsurance Intermediary Broker Fees   | 0.00                    | 1,000.00                | 1,000.00                  |
| Reinsurance Intermediary Managers Fee  | 1,500.00                | 1,000.00                | (500.00)                  |
| Managing General Agent Fees  | 6,500.00                | 6,500.00                | 0.00                      |
| Viatical Settlement Provider Lic Fees  | 2,200.00                | 4,600.00                | 2,400.00                  |
| Viatical Settlement Broker Lic Fees  | 5,000.00                | 9,350.00                | 4,350.00                  |
| MCHIP Assessment   | 241,393.77              | 701.71                  | (240,692.06)              |
| Appointment Fee Penalty  | 90,700.00               | 94,800.00               | 4,100.00                  |
| Miscellaneous Revenue  | 5.00                    | 29.46                   | 24.46                     |
| Recovery of Prior Year Expenses  | 177,647.72              | 77,792.22               | (99,855.50)               |
| Fire Programs Fund   | 22,183,100.69           | 24,337,461.40           | 2,154,360.71              |
| Fire Programs Fund Interest  | 30,807.02               | 117,742.09              | 86,935.07                 |
| DMV Uninsured Motorist Transfer  | 0.00                    | 3,605,685.95            | 3,605,685.95              |
| Flood Assessment Fund  | 189,166.15              | 253,283.24              | 64,117.09                 |
| Heat Assessment Fund   | 1,798,149.11            | 1,894,653.84            | 96,504.73                 |
| Fines Imposed by State Corporation Commission                                    | 1,201,885.21            | 2,197,481.14            | 995,595.93                |
| Fraud Assessment Fund  | 4,478,933.32            | 4,808,577.20            | 329,643.88                |
| Fraud Assessment Interest  | 7,615.50                | 30,027.42               | 22,411.92                 |
| <b>TOTAL</b>   | <b>\$402,772,495.36</b> | <b>\$431,638,927.14</b> | <b>\$28,866,431.78</b>    |