



July 14, 2021

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Mid-Year Legislative and Regulatory Update

Buckle up – this is a long (and important) one. Below is a mid-year recap of state legislative sessions in ERIE’s footprint, and for some states, a glimpse at what lies ahead for the remainder of 2021.

*Remember, you can play a role in helping to manage the legislative process by registering for the [ERIE Action Network](#). “ERIE Act” is voluntary, issue-oriented, and requires no financial commitment and no significant amount of time, just connecting with your federal, state and local lawmakers. Joining ERIE Act is easy- just visit our [registration site](#). We’ll keep you informed of important issues facing our industry and our communities. And if an issue escalates, we will ask you to take action. Your efforts can influence the direction and quality of government and the quality of life for all of us. Remember, **Connecting Matters**.*

Pennsylvania

The Pennsylvania General Assembly passed an on-time state budget and is in recess for the summer. The Budget contains no new taxes or fees and deposits \$2.52 billion into a Rainy Day Fund with the hope that such additional revenue will avoid possible new taxes or a budget stalemate next year as lawmakers head into an election.

Enacted Legislation

- Agritourism Bill Passed – A positive bill which provides some liability protections for agritourism activities. Similar provisions were included in a broader bill last year which included COVID-19 liability protections and was vetoed.
- Fingerprint Reform for Producer Licensing Passed – A positive bill which will allow electronic fingerprints for producer licensing applications.
- Opioid Education and Workplace Safety Committees Passed – Includes opioid education to the certification process for workplace safety committees (without any mandated additional discount for the education program - current law provides a 5% workers’ compensation premium discount for employers who establish a certified workplace safety committee).

Updates

- Work Continues on Stacking Legislation – The Senate Banking and Insurance Committee held hearing on the bill on June 21. The trial bar tried to paint the bill as anti-consumer, testifying that stacking is simple and a long-standing consumer right. The insurance industry testimony focused on how confusing stacking is and that it would be much simpler to eliminate the current stacking requirement and allow consumers to purchase as much UM/UIM coverage as they wish to

purchase. Agents aligned with industry testimony and also advocated for an increase in financial responsibility limits. The Insurance Department's written comments were non-committal but did not align with the trial bar's message that eliminating stacking would be anti-consumer.

- Reviver – Both houses passed a bill to restart constitutional amendment process earlier this year, but a statutory reviver bill is also under serious consideration because proponents believe that it would get a reviver in place sooner than the lengthy constitutional amendment process. The House passed the statutory bill earlier this year. It remains unclear whether the Senate may also move forward with passing the statutory bill, though they have resisted going that route thus far.
- Whitmoyer Fix – This bill is a technical fix to the statute (necessitated by the decision in Whitmoyer v. WCAB) which would restore subrogation rights in workers' compensation for future medical payments. The bill passed the Senate in mid-June, but efforts to secure House passage prior to the summer recess were derailed by labor and trial bar efforts which portrayed the bill as anti-worker.
- COVID-19 Liability Protection – This bill passed the House in April but did not pass the Senate. The Governor vetoed a similar bill last year and the inevitability of another veto, plus concerns being raised about retroactive aspects of the bill, resulted in the Senate not passing the bill before recessing for the summer.
- Policy Changes at Renewal – These industry supported bills were introduced and would allow some policy changes related to coverage to be made upon renewal. Department approval would be required, and the Department is currently taking a neutral position on this legislation.
- Opioid Education and Workplace Safety Committees – Includes opioid education to the certification process for workplace safety committees (without any mandated additional discount for the education program - current law provides a 5% workers' compensation premium discount for employers who establish a certified workplace safety committee).

District of Columbia

D.C. began a new two-year Council Period (24) in 2021, starting out with a focus on the city's budget and non-insurance pandemic-related issues. Fortunately, the prior threat of business interruption legislation that required a huge defensive effort in 2020 has not returned. However, the city's Department of Insurance, Securities and Banking (DISB) has taken adverse stances on the following key issues:

- COVID-19 Premium Non-Cancellation Moratorium – Despite multiple industry requests, DISB has declined to lift an April 2020 order that includes a moratorium on premium nonpayment cancellations during the ongoing public health emergency, now scheduled to expire in late July after 14 months in effect. Moreover, DISB's draft guidance addressing the moratorium's expiration is onerous for insurers to implement from an accounting standpoint. While improved over an initial version, the guidance could present resource challenges for ERIE and the industry.
- Rating/Underwriting Factors Ban Proposal – DISB convened a recent external working group for the mayor's Diversity, Equity & Inclusion (DEI) initiative at the city's agencies. The insurance section of the June DISB recommendations includes potential legislation to ban all non-loss related variables in personal lines insurance underwriting and rating, such as credit, gender, marital status, education and occupation. This goes far beyond DISB's prior proposed credit restrictions during the past few Council Periods. Our trades will oppose any such efforts and work with key Council allies that have previously supported the industry's arguments.

Illinois

The Illinois 102nd General Assembly remained in session until June 1, 2021, when both chambers concluded much of their work and adjourned, subject to being called back. It is expected they will return at some point for special session. Key legislation the industry tracked this session is as follows (note, the Illinois governor has 60 days to act on legislation passed by the legislature):

- Pre-judgement Interest – Legislation was enacted which establishes a prejudgment interest rate of six percent per annum on damages in personal injury or wrongful death actions, among other provisions. The law was enacted as a compromise and follow-up to a more onerous pre-judgement interest bill from the 101st General Assembly, which the governor vetoed on March 25 per the request of several interested parties including Erie Insurance and other industry partners. Among the changes between the original and the enacted compromise, the applicable interest rate was reduced from nine to six percent, excludes punitive damages and certain other fees from the assessable base, and provides that prejudgment interest shall begin to accrue on the date the action is filed, versus the date of injury.
- Code of Civil Procedure– A law was enacted (signed by the governor on July 9, 2021) that allows the Supreme Court to provide for mandatory arbitration of civil actions as the Court deems appropriate in order to expedite in a less costly manner any litigation wherein a party asserts a claim not exceeding \$75,000 (rather than \$50,000) or any lesser amount as authorized by the Supreme Court.
- COVID-19 –Legislation from the 101st Assembly which extended the sunset of the occupational disease COVID-19 presumption to June 30, 2021 was enacted on February 26 this year.
- Dog Breed – Legislation that would have undermined insurers’ ability to use dog breed for underwriting or rating purposes was the subject of many negotiating sessions, which finally resulted in a two-year study to be conducted of insurers, by the Department of Insurance, about the use of dog breed for underwriting and rating. Industry trades worked hard to scale back the scope of the original legislation and the parameters of the proposed study. The two-year study bill ultimately passed both chambers and has been transmitted to the governor for his likely signature.
- Holding Company Systems – Legislation to implement various NAIC endorsed changes to the insurance holding company system law was sent to the governor for his likely signature. Industry trades successfully sought amendatory changes to this legislation to ensure various confidentiality of information provisions were retained.
- Various Insurance Items– Legislation to enact changes to the reporting provisions of the law governing workers’ compensation pools, revise corporate governance disclosure requirements, permit on-line pre-licensing, and repeal outdated provisions of the current public adjuster law passed both chambers and has been sent to the governor for his likely signature.
- Guaranty Fund – Legislation providing the guaranty fund with express authority to contract for the provision of claims paying and consulting services to the Department of Insurance was passed and sent to the governor for his likely signature into law.
- Workers’ Compensation Commission Transfer – Legislation was enacted that transfers all powers, duties, rights, responsibilities, personnel, books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business of the insurance compliance division within the Illinois Workers’ Compensation Commission to the Department of Insurance.
- Electronic Signatures – Legislation was enacted to allow for electronic signatures by creating the Uniform Electronic Transactions Act.
- Staph Infection – Rebuttable Presumption – Legislation that provides that, with respect to firefighters and emergency medical technicians, a contagious staph infection, including

Methicillin-resistant Staphylococcus aureus (MRSA), is rebuttably presumed to arise out of and in the course of employment was passed and sent to the governor for his likely signature.

Auto

- Salvage Vehicles – Legislation that provides that a repossessed vehicle, fleet vehicle, or flood vehicle that has been damaged in excess of 50 percent (instead of 33 1/3 percent) of its fair market value shall be considered to be salvage has been sent to the governor for his likely signature into law.
- Junk Vehicle Notifications – Legislation that provides that an automotive parts recycler, in addition to a scrap processor, may submit a junk vehicle notification to the Office of the Secretary of State has been sent to the governor for his likely signature.
- Car Sharing – Legislation that creates the Car-Sharing Program Act was amended at industry trades' request to be consistent with the recently jointly endorsed legislation from APCIA and NAMIC. The legislation passed both chambers and has been transmitted to the governor for his likely signature.
- Total Loss Tax, Title, and Transfer Fees – Legislation sought by the Independent Insurance Agents of Illinois that would penalize an insurer when the insurer does not properly pay any applicable use or occupation tax, title, and transfer fees on a private passenger total loss claim, including third party claims, was signed by the governor on July 9, 2021.
- Renter's Financial Responsibility – Legislation that provides that a rental company may void a damage waiver for damage or loss to the rental vehicle if the rental vehicle is stolen and the renter fails to: (i) return the rental vehicle's ignition key and the key tag identifying the rental vehicle to the rental vehicle company; (ii) file a police report within the 24-hour period after discovery of the rental vehicle theft; and (iii) fully cooperate with the rental company, law enforcement agency, or any other authority in all matters connected to the investigation of the stolen rental vehicle has passed and been transmitted to the governor for his likely signature.
- Chicago Towing Ordinance – A Chicago City Ordinance (Municipal Code Titles 2 and 4, new Chapter 4-227) that enacts various tow operator reforms was approved on May 26, 2021. Essentially, the ordinance requires the city to establish a first-ever license for tow truck operators, a \$250 license for every truck used by towers, and the licensure of the locations where vehicles they tow are stored. The ordinance further prohibits certain additional abusive practices. The ordinance takes effect 90 days after adoption. Industry trades worked closely with a law enforcement and the National Insurance Crime Bureau (NICB), to enact these reforms.
- Defensive Items – The industry successfully held back numerous onerous proposals this session on topics such as requiring insurers to adhere to OEM auto repair procedures; a ban on insurers' use of credit for personal auto underwriting; a requirement that business insurance policies be construed as including loss of use (whether dependent upon a government emergency declaration or the redefinition of what constitutes physical loss) as a covered peril; and a bill dealing with employers' liability rates in relation to "excessive premiums."

Indiana

On April 22, 2021, both chambers adjourned following the passage of the state budget and are not expected to return until later this year to address redistricting legislation, made possible by legislation that was enacted this year to specify that the deadline for adjourning sine die for the 2021 session is November 15, 2021. Due to the Legislature not adjourning sine die, bills that were approved by both chambers but failed to advance to the governor are technically still eligible for action until the November 15 deadline. However, legislative leaders have indicated that redistricting will be the only

topic of consideration upon lawmaker's expected fall return. Key items tracked by the industry this session are as follows:

- COVID-19
 - Civil Immunity for Exposure to COVID-19 – A top industry priority this session, legislation was enacted to provide civil tort immunity for damages arising from COVID-19 on the premises owned or operated by a person, on any premises on which the person or an employee or agent of the person provided property or services to the individual, or during an activity managed, organized, or sponsored by the person, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). The new law also defines “COVID-19 protective product” and provides civil tort immunity for harm that results from the design, manufacture, labeling, sale, distribution, or donation of a COVID-19 protective product, except for an act or omission that constitutes gross negligence or willful or wanton misconduct (including fraud and intentionally tortious acts). The law also prohibits class action suits.
 - Liability Protections for Certain Entities – Legislation was enacted to provide further protections for healthcare providers, nursing homes, and governmental employees for certain acts or omissions arising from a disaster emergency unless the act or omission constitutes gross negligence, willful or wanton misconduct, or intentional misrepresentation. The law prohibits class action suits against health care and educational institutions and specifies that orders and recommendations issued by local, state, and federal government agencies and officials during a state disaster emergency do not create new causes of action or new legal duties.
 - Workers' Compensation - Exposure Risk Diseases – Legislation was enacted that adds any variant of severe acute respiratory syndrome (SARS), including coronavirus disease (COVID-19), to the list of diseases considered an exposure risk disease for purposes of emergency and public safety employee death and disability presumed in the line of duty. Provides, for any employee who is diagnosed after June 30, 2021, with a health condition caused by any variant of SARS, including COVID-19, that if the health condition results in disability or death and the employee wishes to have a presumption of disability or death incurred in the line of duty apply to the employee, the employee shall, by written affidavit executed before death, provide verification that the employee has not, outside the scope of the employee's current employment, been exposed to another individual known to have any variant of SARS, including COVID-19.
- Trucking Storage – A bill was enacted that provides that the costs for storage of an abandoned vehicle with a length of at least 30 feet may not exceed \$2,500.
- Statewide Electronic Lien and Title System – Legislation was enacted that requires the bureau of motor vehicles to implement a statewide electronic lien and title system to process: (1) vehicle titles; (2) certificate of title data in which a lien is notated; and (3) the notification, maintenance, and release of security interests in vehicles; through electronic means instead of paper documents. The new should ultimately allow for a quicker and more efficient delivery of automobile titles, especially in the case of total loss.
- Personal Delivery Devices – Legislation was enacted to lay a framework, including insurance requirements, for personal delivery devices in Indiana, the latest technology in home delivery.
- Omnibus Insurance Legislation – Legislation was enacted that amends the laws governing continuing education requirements for insurance producers, consent to electronic document delivery, activities not prohibited as rebates, and cancellation and non-renewal of insurance policies (specifies the cancellation of policies is not effective unless it is mailed by the insurer to the insured at least ten days before the effective date of cancellation and accompanied by a

written statement of the reason for the cancellation; and an insurer must not fail to renew a policy unless they mail the insured a notice of non-renewal at least 20 days prior to the end of the policy period. cancellation and non-renewal of insurance policies).

- Insurance Fraud – While the industry worked to defeat language from previous years that would eliminate the state’s insurance-fraud law in favor of a streamlined omnibus law covering all forms of criminal fraud statewide, the language was inserted into separate legislation and was ultimately enacted.

Kentucky

After overriding a record number of vetoes issued by Governor Andy Beshear (D), the General Assembly passed several remaining bills and adjourned the 2021 Legislative Session on Tuesday, March 30th. Bills that were not enacted must be reintroduced to be considered in 2022. Key items tracked by the industry this session are as follows:

- COVID-19
 - Liability Protections – Legislation was enacted that provides liability protections from COVID-19 claims arising during the declared state of emergency and provides that certain “essential service providers” including “financial institutions” shall be considered agents of the state when providing essential services.
 - Various Laws – While laws were enacted to limit emergency executive orders to 30 days, authorize legislative committees to determine whether there is adequate justification for emergency regulations, and allow businesses, religious institutions, non-profits, and other entities to remain open while emergency orders are still in effect have been stayed by the circuit court, a circuit court has stayed the effectiveness of these laws.
 - Joint Resolution Terminating Orders – The General Assembly enacted a joint resolution which purports to terminate all COVID-19 emergency executive orders unless expressly extended by the resolution. The resolution did not extend Executive Order 2020-277 requiring the payment of TTD benefit to workers removed from work by a physician because of workplace exposure to COVID-19, thereby arguably terminating that order. However, the circuit court granted Governor Beshear’s motion to amend the temporary injunction to include the joint resolution. Therefore, Executive Order 2020-277 remains in effect pending either a final court ruling or termination of the order by Governor Beshear.
- Abuse – Statute of Limitations/Reviver – Legislation was enacted that amends the laws governing civil actions based on childhood sexual abuse and revives claims for childhood sexual assault and abuse barred due to the expiration of the applicable statute of limitations.
- Refusal of Automobile Liability Insurance Based on Military Service- Legislation was enacted to prohibit insurers from refusing to issue a policy of motor vehicle liability insurance, or imposing an additional premium, solely because the person is uninsured if, during the period the person was uninsured, the person was on military service.
- Towing – Legislation was enacted that includes provisions based upon the NCOIL Consumer Protection Towing Model Act and provisions providing that a vehicle owner remains responsible for delinquent ad valorem property taxes when the vehicle is transferred to an insurer because of an insurance claim.
- Off Highway Vehicles – Legislation was enacted permitting local governments to establish pilot projects governing the operation of off-highway vehicles on certain public roads.
- Three-Wheeled Motorcycles – Legislation was enacted authorizing the operation of Three-Wheeled Motorcycles on public roads.

- Workers' Compensation/Pharmacist Reimbursement – Legislation was enacted that requires insurers to reimburse pharmacists for services or procedures at a rate not less than that provided to other non-physician practitioners, under certain conditions. Reimbursement is required if the service or procedure is within the scope of the practice of pharmacy; if it would otherwise be covered if performed by a physician, registered nurse, or physician assistant; or, if performed in strict compliance with laws and administrative regulations related to the pharmacist's license.
- Department of Insurance – Legislation was enacted to create the Division of Property and Casualty Insurance within the Department of Insurance.

Maryland

The Maryland General Assembly ended its 90-day regular session on April 12, and Gov. Hogan's bill signing deadline was in late May. Given the pandemic, the session was held virtually with restrictions on testimony and limited access to legislators. The 2021 session was marked mostly by what did not happen as far as industry successes. Here are some highlights:

- Personal Lines Underwriting/Rating Restrictions Defeated
 - Personal Auto Credit Use Ban – The industry faced continued scrutiny about the use of credit in private passenger auto with three ban bills introduced. APCIA brought in a national expert to testify in the House. When the House Economic Matters Committee Chair indicated he was set on getting a bill out of committee to resolve the issue after years of debate, APCIA/industry convinced him to use the NCOIL credit model. This passed out of the House but stalled in the Senate due to consumer advocate opposition that it did not go far enough. APCIA reported that the issue will return in 2022, but the Chair's frustration with the consumer groups may have bought the industry some political capital and time.
 - Personal Auto Restrictions – A bill pushed by consumer groups to ban the use of territory for personal auto, mandate a 10 percent rate reduction and repeal the ability of insurers to keep rate filings proprietary was voted unfavorable by the House Economic Matters Committee.
 - Homeowners Weather-Related Claims – A familiar bill to restrict the use of weather-related claims in underwriting was brought back for a third straight year and passed the House. However, APCIA convinced the Senate Finance Committee to vote unfavorable based on its impact on the coastal areas and the lack of complaint data.
- Tort Defense – Among several adverse tort bills were two where the industry ended up batting 500:
 - Jury Thresholds Raised – The Maryland trial lawyers submitted legislation to raise the jury threshold from its current limit of \$15,000 to \$30,000; this bill was amended in the House to a \$25,000 threshold. In an unusual alliance, APCIA joined up with consumer advocates to try to stop the legislation, but it was passed and enacted. Since it requires a constitutional amendment, the law would not go into effect until 2023 after voter ratification in the 2022 election.
 - Revivers Bill Tabled – The sexual abuse statute of limitations reviver bill was again introduced by a delegate who had suffered childhood abuse following its near passage the last two sessions. However, during the Senate Judicial Proceedings hearing, the former chair of that committee, testified on behalf of the Catholic Conference about the legal impact. This helped stall the Senate version, so the House lead sponsor withdrew his version.
- MIA Claims Settlement Legislation – The industry had concerns about a bill brought by the Maryland Insurance Administration (MIA) to address mental health claims payments because of its potential impact on the property/casualty side. Despite amendment discussions, the industry was opposed because the bill could give the MIA power to dictate insurer's contractual

obligations beyond the agency's statutory authority. The Senate Finance Committee did not move the bill forward due to the stakeholder disagreement.

- Workers' Compensation Issues

- COVID-19 Presumptions Fail to Move – A total of eight COVID-19 workers' compensation presumption bills were introduced, including some with retroactivity and applying to various employee classes. All failed to move forward after the industry joined the business community to oppose. The testimony, which included the state Workers' Compensation Commission, made it clear the bills were not necessary since claims were being processed.
- Mandated Medical Marijuana Defeated – The industry managed to defeat a bill to mandate workers' compensation payment for medical marijuana, despite a big push from proponents, including the Medical Cannabis Commission, as well as a strong Senate sponsor. However, APCIA indicated this bill will be harder to stop next year.

New York

The New York State legislature adjourned the regular legislative session in the early morning hours on June 11, 2021. The greatest threat faced by the insurance industry was the very expansive both first- and third-party bad faith bill. A significantly more limited version of this bill was introduced in the 2019-20 session and an industry commissioned Milliman study estimated an annual potential \$6.9 billion premium impact. This bill was one of the top priorities of the trial bar. Senate Insurance Chair Breslin was a strong ally in fighting this bill. The insurance industry and business and lawsuit reform partners worked in opposition to this bill and in addition to intense traditional lobbying, utilized grassroots, digital advertising (generating nearly 2,000 letters to legislators including those by ERIE Agents and Employees) and a joint trade letter in opposition to this legislation. These substantial efforts resulted in the defeat of this very harmful bill.

The bad faith bill was not the only bill with a potential multi-billion dollar premium impact on the industry pending. There was also a bill to greatly expand permissible damages in wrongful death actions and expand the parties who could bring such actions as well as the timeframe during which such actions may be brought. Once again, the insurance industry worked with business, lawsuit reform and medical community partners in opposition to this bill and it did not pass. Similar intense lobbying activity was undertaken to successfully defeat a potentially very harmful bill to expand both the prohibited activity and the damages and class action provisions under New York's deceptive acts and practices statute and this bill was also defeated. There were also a number of very problematic bills in the workers' compensation realm which received serious consideration but were ultimately defeated.

While all of these "big ticket items" were successfully defeated, there were a few last-minute consolation prizes for labor and the trial bar which did pass both houses of the legislature.

Bills That Passed Both Houses (Not all have been signed by the governor as of this writing)

- Electronic Delivery – This bill is an electronic delivery bill which was problematic in its original form but was amended to address some industry concerns and seems generally workable. It should be noted, however, that the Governor has vetoed past attempts to enact electronic delivery bills in New York due to concerns from the Department of Financial Services (DFS). DFS may again raise concerns with this bill which may again result in another veto.
- Policy Term Flexibility – This bill allows certain commercial insurance policies to be written for a term of less than one year when requested by the insured. We supported this legislation because

the one-year requirement in Section 3426 of the Insurance Law seems unnecessarily restrictive and this bill would allow insurers some flexibility to address policyholder needs.

- Peer to Peer Car Sharing – After many years of discussions on this issue, legislation which is substantially similar to the NCOIL model passed both houses of the legislature.
- Prohibiting Underwriting or Rating by Dog Breed – This bill has been around for many years and, as we have in prior years, and the insurance industry strongly opposed this bill. Unfortunately, the Senate Deputy Majority Leader sponsored the bill this year in the Senate and in the last days of session, it was pulled from the Senate Insurance Committee and passed quickly. We pushed back with key legislators but to no avail. Once it passed the Senate, it also passed in the Assembly where it regularly advances. We will seek a veto or if a veto is not possible, will seek a chapter amendment to try to make the bill less objectionable.
- Authorizing State Insurance Fund to Enter into Agreements to Cover Out of State Work – This bill would allow the State Insurance Fund (SIF) to enter into agreements with private carriers to provide workers' compensation coverage for its insureds for work outside of the state. The insurance industry opposed this legislation because SIF already enjoys a number of significant advantages over private workers' compensation carriers and the restriction limiting SIF to only covering exposures located in New York State is a reasonable restriction. A veto of this bill is unlikely since the Governor has included these provisions in his proposed Executive Budget for the past two years.
- Appointment of Uninsured Employers' Fund When Workers' Compensation Carrier Cannot be Identified – This bill requires the Workers' Compensation Board to appoint the Uninsured Employers' Fund within ten days of the filing of a claim when the identity of the responsible insurance carrier cannot be determined.
- Changes to Workers' Compensation Attorney's Fees – This bill would specify attorney's fees in workers' compensation cases based on percentages of awards for different types of cases.
- Reviver for Workers' Compensation Death Benefits for Cancer Resulting from Diesel Exposure – This bill provides that any death benefit claims related to cancer resulting from workplace exposure to diesel fuel filed within one year of the effective date shall not be deemed time barred. The insurance industry opposed this legislation, however, this passed in the last days of session after the insurance industry had defeated numerous other workers' compensation bills sought by labor.
- Gun Industry Liability – Provides for a private right of action against a "gun industry member" (broadly defined to include entities engaged in the sale, manufacture, distribution, import, or marketing of firearms, ammunition or related accessories) for anyone harmed due to the gun industry member's failure to use reasonable controls to prevent products from being possessed, used or sold unlawfully or otherwise creates a condition which endangers the health or safety of the public. The insurance industry opposed this bill due to the private right of action and broad language, but legislators were determined to pass this bill.
- Interest on Judgments When Plaintiffs Summary Judgment Motion Denial Overturned on Appeal – The insurance industry and our lawsuit reform allies opposed this legislation, but it passed both houses. The trial bar had a number of other larger priorities that they did not get - including prejudgment interest generally - and this may have been seen by legislative leaders as giving them something along those lines while limiting the interest expansion to the circumstances outlined in the bill.
- Comprehensive Insurance Disclosure Act – This objectionable bill was passed at the very end of session and may have been the consolation prize for the trial bar because neither the bad faith bill nor the wrongful death bill passed. This bill requires burdensome and expansive disclosures

relative to potential insurance coverage, suits that could potentially erode limits and expenses paid as well as other matters. In addition, the bill also includes an ongoing obligation to update any information provided within 30 days of receipt of new information and also requires a certification that the information provided is complete. The Insurance Industry will seek a veto of this legislation.

- Gender Recognition Act – Allows designation of male, female or “X” on drivers’ licenses.

Bills Not Passed by Both Houses

Below is a partial listing of some of the bills that that we worked on that did not pass both houses. Note that there were in excess of 15,000 bills introduced this year, so all of the objectionable bills are not included in this report. All bills not enacted will carry over to next year.

Insurance Industry Opposed:

- Homeowners/Property
 - A7488/S3079 - Prohibits lead paint exclusions in rental policies - The bill passed the Assembly and received interest in the Senate also. The Assembly sponsor from last year who was the bill’s strongest proponent was elected to the Senate, thereby giving the bill support in both houses. The insurance industry strongly opposed this highly problematic bill and pointed out that if landlords had coverage for lead paint claims they may have less of an incentive to remediate any lead issues which could result in more lead poisoning cases. In recognition of this argument, as well as concerns related to coverage affordability and availability problems which this bill could raise, the Senate did not pass the bill.
 - A950-B/S6407-A - Would require DFS to establish standardized triggers for windstorm deductibles - This bill has been around for many years and has been pushed by the agents. The insurance industry opposed this legislation because even if standardized triggers were worth considering, this bill would give the Department the complete authority to determine any such trigger. The bill advanced to the calendar in the Assembly but did not move in the Senate.
 - A172/S354- Would have applied strict liability for landlords who fail to provide security as required by law, rule or regulation - The insurance industry strongly opposed this bill which made it to the calendar in the Assembly but did not advance in the Senate.
- Auto Insurance
 - A189/S5664 - Would prohibit an auto insurer from canceling or non-renewing a policy solely on the basis that there is a pending complaint filed by the insured, or that a claim that has been filed by the insured is in dispute - The insurance industry opposed this bill which advanced to the calendar in the Assembly but did not advance in the Senate.
 - A1809 - Would provide that if an insurer uses driving history as an underwriting factor, the insurer shall not bind a policy or accept a down payment without verifying the driving history of all drivers on the policy - The insurance industry opposed this objectionable bill which is pushed by the Professional Insurance Agents Association, versions of which have also been seen in other states. The bill advanced to the calendar in the Assembly but did not have a Senate companion and did not advance in the Senate.
 - A7218/S4656 - Would have required the Department of Financial Services to promulgate regulations to prohibit the use of credit information in auto insurance underwriting or rating - The bill did not advance in either house.

- A101 - Repeal of no-fault - It would do so in a very problematic way - it repeals the entire article of the law governing no-fault, effective five years later, and directs the Department of Financial Services to recommend alternate provisions. While it is undeniable that there are problems with the no-fault system, repealing no-fault without knowing what would come to replace it, is not workable. This is Assembly Insurance Committee Chairman Cahill's bill and while it did advance from the Assembly Insurance Committee, it did not advance further and there was no interest in the Senate on this bill.
- Workers' Compensation
 - A6117/ S1241 - This highly objectionable bill would have made exposure to COVID-19 an occupational disease and would have given a presumption of disability to every employee who worked outside of the home during an outbreak of COVID-19. If this bill had passed it would've been by far the most expansive COVID-19 workers' compensation presumption bill in the nation. The insurance industry strongly opposed this bill along with partners in the business community. The bill was reported out of the Labor Committee in the Assembly but did not advance in the Senate.
 - A1098/S1023- The insurance industry received a "heads up" from the Senate that they were likely going to pass this bill and S.1024. We strongly opposed these very harmful bills and were able to prevent them from making it to a Labor Committee agenda in either house. Both bills would have eviscerated the durational limits on permanent partial disability awards which were enacted as part of the 2007 workers' compensation reform package. A1098 would change the extreme hardship exception to the durational limits by lowering the required loss of wage-earning capacity necessary to qualify for the extreme hardship exception and would have greatly expanded the claimant population eligible for lifetime benefits. S.1024 would have opened up lifetime benefits to any claimant who qualifies for Federal Social Security disability benefits and would also have expanded the claimants eligible for lifetime benefits.
 - S6373-B/A2020-A - This bill is an extraordinarily broad bill which would allow all employees to file mental stress claims without having to demonstrate that their stress was greater than the stress that occurs in a normal work environment. The insurance industry strongly opposed this bill which would likely have added significant costs to workers' compensation. The bill passed the Senate but did not pass in the Assembly.
 - S1026/A1013-B - This bill would prohibit employers from requiring claimants to utilize network pharmacies to obtain their prescriptions. The pharmacy network provisions were an important part of the 2007 workers' compensation reforms and eliminating this cost containment tool would have been problematic. The insurance industry opposed this bill and while it passed the Senate, it did not pass in the Assembly.
- Tort/Litigation Bills
 - A7285/S6813 - The insurance industry and our industry partners fight objectionable bad faith bills pushed by the trial bar every year at the end of session. This year's bill was, however, far worse than the bills fought in prior years - with very expansive provisions relative to both first- and third-party bad faith, along with expansive damages and other problematic provisions. Defeating this bill was the insurance industry's top defensive priority. In addition to intense traditional lobbying, the insurance industry deployed many advocacy tools in opposition, including grassroots, digital advertising, earned media, a joint trade letter and other tactics. The Senate Insurance Committee Chair, Senator Breslin, was the industry's ally

in opposition to these bills and he worked to communicate to his colleagues how bad this bill would be both for the industry and New York consumers and businesses. The insurance industry and our industry partners had a Milliman study done on last year's more limited bill which estimate a potential premium impact of \$6.9 billion and, given that the new bill was even more expansive, we were able to point out the potential impact of this bill could be even more troublesome. All of these efforts worked to defeat the bill.

- S74-A/A6770 - This objectionable bill would have greatly expanded permissible damages for wrongful death to include non-economic damages such as compensation for grief and anguish. This bill was even worse than similar bills from prior years because it adds 1.5 years to the statute of limitations (making it 3.5 years) and allows any "surviving close family members" to sue. Who would qualify as a "surviving close family member" would be determined by the trier of fact. As it has been in prior years, this bill was a priority of the trial bar. The bill may have enjoyed additional momentum this year due to the COVID-19 nursing home death issue. The insurance industry joined in funding an update of the Milliman study on this bill which estimated a potential annual premium impact in excess of \$2 billion and the insurance industry partnered with our lawsuit reform partners and our industry and health sector partners in opposition to this bill.
- S6414/A2495-A - This bill would have made New York's deceptive acts and practices statute the worst unfair trade practices law in the nation. It contained very broad and expansive standards as to prohibited conduct and also included very broad private right of action provisions with large potential damages and expansive class action provisions. This bill was originally introduced in 2019 and is supported by the public interest lawyers and the Attorney General's office. The insurance industry worked with our business partners and lawsuit reform allies to successfully oppose this very problematic bill.
- S66/A648 - This is the "Adult Survivors Act." It creates a one-year reviver window for sexual assault claims against victims who were over 18 years of age at the time of the assault. This is like the Child Victims Act - except for victims over the age of 18 years. This was a difficult bill to fight due to the sexual harassment/assault allegations pending against Governor Cuomo and the sympathies for similarly situated victims. While the Senate passed the bill, the Assembly did not. It should be noted additionally that there was no legislation filed to further extend the reviver window for the Child Victims Act and that the current window is scheduled to expire on August 14, 2021.
- A2265/S298 - This bill would allow a new private right of action for medical monitoring damages against defendants who allegedly released toxic substances. We strongly opposed this legislation which advanced from the Judiciary Committee in the Assembly but did not advance further and did not advance in the Senate.
- Miscellaneous
 - S847/A498 - This is an amended version of last year's business interruption COVID-19 mandate bill. While there was not as intense pressure on this issue this session as last session, both houses expressed varying degrees of interest in moving the bill this session and the insurance industry strongly opposed the legislation and it has not advanced out of either house of the legislature this session.
 - S4696/A4424 - Prohibits mortgagees from requiring mortgagees to purchase flood insurance in an amount exceeding the amount owed on the mortgage. The insurance industry opposed this legislation because this would potentially lead to mortgagors being underinsured for the peril of flood which would not be beneficial. The bill passed the Assembly and made it to the

floor in the Senate, but the sponsor (Senate Insurance Committee Chair Breslin) agreed to put a hold on the bill.

- S6701/A680-A - This problematic consumer data privacy bill advanced to the Senate calendar but did not advance in the Assembly as they wanted to further review the issue. Consumer data privacy provisions were included in the Governor's proposed executive budget, however, both houses rejected those provisions because they wanted to address the issue outside of the budget. This bill was introduced after passage of the budget and insurance companies are not exempted and the bill contains a private right of action. The insurance industry worked with industry and business partners in opposition to the bill. This will likely continue to be an ongoing issue next session.

Bills Which Did Not Pass Which the Insurance Industry Supported:

- A603/S2627 - This bill would have eliminated the antiquated anti arson application requirement entirely. The requirement has been eliminated everywhere except for in New York City. The bill passed the Assembly but did not advance in the Senate due to opposition from the City of New York.
- A6877/S6028 - This bill would have made the auto insurance photo inspection requirement optional for insurers. The insurance industry worked with our industry partners in strong support of this bill, and it did advance from the Insurance Committee in the Assembly. Unfortunately, the bill did not advance in the Senate most likely due to the opposition from the Long Island Association and concerns about potential job losses at Car-Co's Long Island facility.
- S4871/A6335 - This bill would have replaced the current outdated auto insurance verification system - the Insurance Information and Enforcement System (IIES) - with a more modern online insurance verification system. While the insurance industry and our industry partners supported this bill, it unfortunately did not advance from the Transportation Committee in either house.
- S3563 - This bill would remove the requirement that business written in the free trade zone be underwritten from an office in New York State. While this bill passed the Senate, it did not advance in the Assembly.
- S4697/A5384 - Allows electronic signature for the power of attorney necessary to transfer salvage title. This bill passed the Senate with the insurance industry's support but did not pass in the Assembly.
- S6967/A6756-A - Provides that telemarketing restrictions applicable during a declared state of emergency shall not apply to any businesses deemed essential. The insurance industry supported this legislation; however, it did not advance.

North Carolina

The North Carolina General Assembly began its two-year legislative session (2021-22) in January, including this year's "long" portion. After a flurry of activity before the cross-over deadline on May 13, legislators have been focused on budget negotiations. The initial hope of adjourning by July 4 has passed due to a slowdown on budget negotiations, but ERIE's trades say the budget could be resolved sooner than later. Here's a quick overview of issues being considered this session:

- Roofing Contractor Fraud Reform – ERIE and our trades continue to fight for curbs on abusive roofing contractors in North Carolina in this long-term effort. Despite strong sponsorship by a Charlotte-area Senator/ERIE agent and efforts by the state trade, the bill did not make the cross-over deadline. A key senator expressed concerns about the impact on small contractors, and there was enough opposition to keep it from moving forward. Our trades will continue to look for a path forward during the remainder of the two-year session.

- Distracted Driving – The industry, led by the independent agents, was back again with its anti-distracted driving bill. Despite a strong media campaign that included the Department of Insurance and a trade-led grassroots campaign involving ERIE, the bill did not make the crossover deadline. That said, our trades reported the issue gained new allies and momentum. As in other states, this will be a multi-year project.
- ALI Restatement of Liability Insurance – ERIE’s trades recently got language in a general regulatory reform bill to repudiate the American Law Institute’s (ALI’s) harmful restatement that threatens longstanding industry claims litigation practices. An industry ally in the Senate added the language, and the Senate should consider the bill soon.
- Homeowners Cancellation Notices Court Fix – Likewise, the industry was able to get a provision from last session in the same reform bill to fix the adverse ruling in the case Ha v. Nationwide. This court decision, which is still being litigated, had determined that proof of mailing was insufficient notice for cancellation. The added provision would clarify the statute favorably for the industry to address the original decision.
- Tort Defense – On the defensive side, the trial bar was active with several bill introductions, including revisions to rules of evidence for both health insurance and for medical expenses that would adversely impact insurers claims processes and costs. A third bill would repeal the state’s contributory negligence system in favor of a comparative fault system. ERIE’s trades’ joint lobbying efforts with the business community have kept these bills bottled up in committee thus far, but the trial bar is expected to pursue these into 2022.
- DOI Agency Bill – The industry had expressed concerns about two provisions of a Department of Insurance (DOI) omnibus bill: a requirement for insurers to pay expenses if rejecting an umpire’s motor vehicle damage appraisal report and a mandatory catastrophe education course for all out-of-state adjusters. Through discussions with the DOI, ERIE’s trades were successful in getting both provisions removed before House passage.

Ohio

The Ohio General Assembly is expected to recess until September now that the two-year state operating budget has been passed and enacted. Below are the items tracked by the industry over the first six months of the 134th General Assembly, including some items the industry will continue to track for the remainder of the year and possibly next year.

- Statute of Limitations on a Contract – Legislation was enacted that reduces the statute of limitations from eight years to six years for written contracts and to four years for oral contracts. This twenty-five percent reduction in the statute of limitations will place Ohio in the middle of the pack for state statutes of limitation.
- Transportation Budget Bill
 - Trade Secret Protection – Earlier this year, among the provisions enacted in the state’s transportation budget was language sought by the Ohio Insurance Institute protecting trade secret information included in filings. The new provision will protect trade secret materials found in filings or supporting information from public disclosure, allowing insurers to submit innovative products to enhance offerings for consumers.
 - Branding Titles – The transportation budget also included language providing a permanent ban against the BMV using NMVTIS information solely to brand titles.
- State Operating Budget – From an industry perspective, the legislature included the following relevant provisions in the enacted state operating budget:
 - Language to Ensure State Does Not Offer Surety Products – Language was included to clarify that the Ohio Department of Administrative Services is not permitted to underwrite surety

products or otherwise cover third party risk not found in a contract. The Ohio Insurance Institute worked with DAS to develop the language.

- Language Included to Delay All Parties from Gaining Access to Telephone Numbers on Accident Reports – All parties—including plaintiff’s lawyers and chiropractors, in addition to insurers and insurance agents—will be required to wait thirty days to gain access to telephone numbers from accident reports.
- Municipal Income Tax Withholding During COVID-19 Pandemic -Language was included to allow employees who worked remotely during calendar year 2021 to seek an income tax refund from the municipal tax administrator who withheld the funds pursuant to the temporary rule established by the Department of Taxation during the COVID-19 state of emergency.
- Distracted Driving – Legislation is being considered that would make it a primary traffic offense to use a handheld electronic device while driving. The Ohio Insurance Institute is helping to lead Fix Our Roads Ohio (FOR Ohio) – a coalition of businesses, trade associations, and public safety organizations – who are committed to assisting in getting this legislation passed into law.
- Pro-Consumer Storm Scammer Legislation – Hearings continue on an industry priority bill that would provide essential consumer protections from storm scammers.
- Third-Party Litigation Financing – Legislation is being considered to deal with the scourge of third-party litigation financing (TPLF). Industry trades support this measure and will continue to work with other industry partners to curb this practice.
- Consumer Grade Fireworks – Legislation was passed and sent to the governor that would legalize the discharge of consumer-grade fireworks on private property. Governor DeWine vetoed the bill on July 9, 2021.
- Asbestos Lawsuit Reform – Legislation to limit the phenomena in asbestos suits in which numerous parties are named is expected to be introduced in the near future. The proposed legislation would ensure that the proper parties are named by requiring the plaintiff to file a sworn information form specifying the evidentiary basis for claim against each defendant.
- Insurance Omnibus Legislation – An extensive package dealing with travel insurance, electronic regulatory signature, rebating modernization, and the NAIC Group Capital Model Act is expected to be introduced in the General Assembly soon with activity expected to occur this fall.
- Data Privacy – It is expected that a bill to improve Ohio’s data privacy laws spearheaded by the Lt. Governor’s office will soon be introduced in the Ohio House of Representatives. While the legislation is similar in concept to what has previously passed in California and Virginia, the Lt. Governor wants to ensure that consumer data is protected without onerous requirements being placed on businesses. The introduced version is expected to expressly exempt property and casualty insurers and agents from the provisions of the legislation.

Tennessee

The 2021 legislative session ended late in the day on Wednesday May 5, 2021, after passing a \$42.6 billion budget and the few remaining bills that were still being negotiated between the two chambers through conference committees. There remains a possibility that a special session could be called this off-season to address the spending of federal stimulus dollars, but at this point, it appears the Legislature is not planning on returning to Nashville until 2022. Highlights of the session are as follows:

- Insurance Policies – Rules of Construction – Legislation was enacted that clarifies that, except when dealing with an assignment of benefits to a health care provider, the rights, duties, or benefits provided by a policy of insurance may be assigned only as expressly provided by the

terms of the policy of insurance or as otherwise expressly allowed by the insurer. The bill was sought by the Farm Bureau and supported by industry trades to address property AOB issues to prevent lawsuits as seen in Florida.

- Auto Club Applications – Legislation from the Department of Insurance was enacted that revises the annual application for a certificate of authority by an automobile club or association to a one-time application prior to commencement of operations and provides licenses issued must be renewed annually and include updated documents and information.
- Insurance Modernization Act – Legislation was enacted to amend various laws governing credit for reinsurance, workers' compensation multiplier reporting, parametric insurance, and captive insurers.
- Data Security – The Insurance Data Security Law was enacted which establishes exclusive standards for data security, including data breaches. The law is based on the NAIC's Model Act.
- Discharging of Lien on a Motor Vehicle – Legislation was enacted that specifies that a lienor is required to send notice of a discharged lien to the department of revenue on the date the lien is discharged and that the department must be notified of the discharge within 72 hours of the date of discharge. The law specifies that the lienor is required to deliver the certificate of title to the owner within seven business days from the discharge of the lien (prior law specified seven business days from the request of the owner).
- Asbestos Over-Naming – Legislation sought by the American Tort Reform Association (ATRA) was enacted to clean up asbestos language. The enacted law specifies information that must be provided by a plaintiff in a sworn information form and included with any complaint filed in an asbestos action; requires dismissal without prejudice of plaintiff's asbestos claim as to any defendant whose product or premises is not identified in the required information form; requires that plaintiff's asbestos claim be dismissed without prejudice if plaintiff fails to provide the required information.
- Workers' Compensation
 - Attorney's Fees – Legislation was enacted that authorizes the court of workers' compensation claims to award additional attorneys' fees and costs incurred when an employer wrongfully denies a claim or wrongfully fails to timely initiate benefits to which the employee or dependent is entitled for injuries that occur between July 1, 2021, and June 30, 2023.
 - Expanded Infectious Disease Presumption for Emergency Rescue Workers – Legislation was enacted that expands the presumption that an emergency rescue worker suffering a condition or impairment of health caused by an infectious disease and resulting in a partial or total disability or death has a disability suffered in the line of duty to include a virus or other communicable disease for which a pandemic has been declared by the World Health Organization or the federal Centers for Disease Control and Prevention, and for which the governor has declared a state of emergency.
 - Advisory Council on Workers' Compensation – Legislation was enacted to extend the advisory council on workers' compensation to June 30, 2025.
 - Liability of General Contractor, Intermediate Contractor, or Subcontractor – Legislation was enacted that removes liability of a general contractor, intermediate contractor, or subcontractor for workers' compensation to a construction services provider for injuries occurring during the time period of December 9, 2019, through September 9, 2021, if certain conditions are met.
 - Administration of Construction Service Provider Registration – Legislation was enacted that transfers administration of construction service provider registration from the secretary of state to the bureau of workers' compensation.

Virginia

The Virginia General Assembly adjourned on March 5 after a regular and special session totaling the normal 45 days of a short odd-year session. This unusual procedure was the result of the minority GOP's refusal to extend the 30-day regular session in protest over the length of the fall 2020 special session. The Democrats continued to leverage their majority to push social issues, like abolishing the death penalty, instituting police reform and legalizing recreational marijuana use, among others. On the business front, the industry saw an unprecedented push by the trial bar but worked hard to fend off the adverse proposals. Here's a look at some highlights.

- Tort Issues – The trial bar made a show of political force in 2021, as their renewed attack on the state's court system took center stage with a slew of adverse tort bills that flew out of the Senate early in a challenging virtual environment. However, thanks to grassroots and additional lobbying resources, the industry was able to slow the process down in the House and fight mostly to a standstill. ERIE was one of the key participants in APCIA's efforts against these bills, engaging our employees and agents in several successful grassroots campaigns.
- FR Minimums Raised – The trial bar brought back their multi-year effort to raise the financial responsibility minimum limits and were finally successful after APCIA worked out a compromise with the UIM offset bill. The bodily injury limits will increase from 25/50 to 30/60 at year end 2021, while physical damage will remain at 20; starting in 2025, the minimums will go from 30/60/20 to 50/100/25. While most of the industry opposed, ERIE took a neutral stance.
- UM/UIM Bad Faith Defeated – The industry was able to again beat back the trial bar's attempt to enact bad faith for uninsured motorist (UM) and underinsured motorist (UIM) claims. This would have made insurers responsible for the full amount of any judgement in such a case. The House subcommittee was responsive to the industry's cost arguments in this case, but the Senate sponsor has promised to bring the bill back next year.
- UIM Offset Bill Withdrawn – The industry worked out a compromise on this trial bar bill, which would have changed the definition of underinsured (UIM) motorist to strike the normal offset given to existing liability coverage in these cases. APCIA argued successfully that the poorly drafted bill would have confused consumers and increased costs in these cases, getting the sponsor to withdraw the bill in exchange for passage of graduated implementation for the minimums bill.
- Other Tort Bills – The industry also successfully defeated various tort bills including one to allow state class actions, one to provide emotional distress to bystanders of a specified traumatic event, and one to eliminate the caps on medical malpractice actions. However, a bill to increase the general district court limits from \$25,000 to \$50,000 for personal injury cases made it through; this will impact most accident cases and may provide a mixed bag of outcomes, according to feedback from ERIE Claims.
- COVID-19 Workers' Compensation Presumptions – Three COVID-19 workers' compensation presumption bills were enacted into law, although they were all acceptable to the industry in terms of a narrow employee class, testing requirements and time limitations. Unlike the broader bills considered in the 2020 special session, these bills would only cover various frontline healthcare workers, first responders and law enforcement/correctional officers.

West Virginia

In 2021, the West Virginia legislative session was held a month later than usual, running from mid-February to mid-April, as it does every four years after the gubernatorial election. The November

2020 “red wave” that carried the GOP to a supermajority made the legislative environment even friendlier for the business community. As a result, the session was marked by some key industry tort reform victories before legislators went home in April. However, there was some intra-party drama over the budget and the governor’s tax plan that stole time and attention from other issues. Here’s an overview of key industry issues covered during the 2021 session:

- COVID-19 Liability Immunity – The “COVID-19 Jobs Protection Act” was pushed by Gov. Justice as well as the business community and insurers. The new law provides broad liability immunity for businesses in the state against certain claims arising from the COVID-19 pandemic, COVID-19, or impacted care, retroactive until . According to ERIE’s trades, it is one of the strongest such laws in the country.
- Intermediate Court of Appeals – The creation of a state intermediate appellate court, a longstanding business and insurance industry priority, was finally enacted after many years of unsuccessful attempts. While the Supreme Court has trended more fair-minded in recent years, the creation of this court should provide another layer of balance for key civil cases and is a positive step towards relinquishing the state’s reputation as a difficult tort environment.
- Seatbelt Admissibility – The West Virginia Insurance Federation (WVIF) drafted and pushed another long-term tort priority for insurers, the use or nonuse of a safety belt as admissible evidence in civil actions involving crashes. While the original bill was amended in the process to allow for exceptions, the changes were accepted by ERIE Claims and the industry to bring the state closer to the rest of the country in terms of allowing an important piece of evidence in court cases.
- Asbestos Litigation Reform – Another successful industry effort was a tort reform bill to avoid the abusive practice of “over-naming” of defendants in asbestos product liability litigation – a compromise version forged by businesses/insurers and the trial bar sailed through.
- Other Tort Priorities Stalled – Despite the victories, the industry had a couple of setbacks as other priorities failed to pass. Beyond the last-minute failure of a medical monitoring reform bill, the WVIF’s attempt at a bill to reform the 2014 state Supreme Court ruling on so-called phantom damages while also fixing the collateral source rule stalled again due to objections from a key Senate committee leader who is a practicing attorney.

Wisconsin

Democratic Governor Tony Evers signed the 2021-2023 state budget bill last week that includes one of the largest tax cuts in state history and continues significant financial commitments toward public education, health care, and transportation which are priorities the Governor laid out earlier this year in his budget address. The legislature’s next scheduled floor period comes in September. Below are the items tracked by the industry thus far in 2021:

- COVID-19 Civil Liability Immunity – Legislation was signed into law in February providing broad COVID civil liability protections supported by the industry. The bill provides a civil liability exemption for any legal entity, including businesses, associations, tribal governments or entities, governmental entities, nonprofits, schools, institutions of higher education, and others, unless they are found to be operating with reckless or intentional misconduct.
- Workers’ Compensation – Legislation was enacted that makes various changes to workers’ compensation law including language that clarifies insurers’ representatives’ access to itemized billing statements, compensation for post-traumatic stress disorder (PTSD) for police and fire fighters, and insurance coverage and liability for leased employees.
- Data Privacy and Security – Legislation that creates basic requirements for insurance data security that includes NAIC model language has passed and been sent to the governor.

- Municipal Raze Orders – Industry supported legislation has been introduced to address the abuse of raze orders on partial losses by limiting the authority of a municipality to order the razing of certain insured dwellings.
- Liability Immunity – Industry-supported legislation relating to immunity from liability resulting from good faith actions under the child abuse and neglect reporting law has been enacted.