

Instructions for Completing the Rate Evasion Form

The Criminal Investigations Unit, Insurance Frauds Bureau will include in its 2019 Annual Report to the Governor and Legislature data concerning New Yorkers who misrepresent where their vehicles are garaged and/or driven in order to obtain a lower insurance premium.

Insurers writing private passenger automobile insurance that meet the requirements of Section 409(a) are required to provide data relating to the aforementioned misrepresentations. That data should be provided via the Rate Evasion tab contained in the Annual SIU Report application accessed via Department's portal.

The form is accessible to all current users of the Annual SIU Report.

Overview and General Requirements of the Rate Evasion Form

- The due date of the form is February 15, 2019. Insurers may submit the form beginning January 2, 2019 and edits to data may be made on or before February 22, 2019.
- Insurers will access the form via the Rate Evasion tab in the Annual SIU Report application.
- Insurers are required to complete the entire form (10 items). If the insurer has no policies that meet the criteria of the data requested, enter "0."
- The form must be approved by the SIU Manager and by the Executive Officer responsible for the SIU (as identified and authorized via the Annual SIU Report application).
- Insurers may file on behalf of a group of affiliated insurers.
- The instructions for inputting the data in response to each item of the form is described below.
- Note that the form does not contain a partial save feature and the forms contains a time out feature so please complete all input in one session.
- Questions may be forwarded to:
 - Kathleen Grogan at 212-480-5776 or by email to kathleen.grogan@dfs.ny.gov or
 - Anthony Bonner at 212-480-5594 or by email at anthony.bonner@dfs.ny.gov

Insurers are required to complete the form by entering data in response to each of the below. For purposes of this form, the term “insured” is defined as the policyholder regardless of the number of drivers and automobiles covered under that policy. If one policy provides coverage to four different drivers or four different vehicles, then the number of insureds is one.

1a - Misrepresentations within New York State by New York Insureds

Enter the total number of New York State insureds who misrepresented the principal place where their motor vehicles were garaged and/or driven when the insured’s misrepresentation involved a location (county) within the State of New York during the previous calendar year.

1b - Misrepresentations within New York State by New York Insureds – Actual County of Vehicle Location

Choose from the drop down list the New York counties where the insureds actually garaged or drove their motor vehicles in the previous calendar year. Enter the total number of insureds that corresponds to each applicable county.

1c - Misrepresentations within New York State by New York Insureds – Misrepresented County of Vehicle Location

Choose from the drop down list the New York counties that were used by the insureds to misrepresent where their motor vehicles were garaged and/or driven during the previous calendar year. Enter the total number of insureds that corresponds to each applicable county.

1d - Misrepresentations within New York State by New York Insureds - Loss of Premium

Enter the total amount of premium lost due to New York insured’s misrepresentation of the New York county where their vehicle was garaged and/or driven during the previous calendar year.

The total of columns 1a, 1b and 1c should be identical.

2a - Out-of-State Misrepresentations by New York Residents

Enter the total number of insureds who misrepresented the principal place where their motor vehicles were garaged and/or driven during the previous calendar year when the misrepresentation involved a location outside of the State of New York.

2b - Out-of-State Misrepresentations by New York Residents–Actual County of Vehicle Location

Choose from the drop down list the New York counties where the insureds actually garaged and/or drove their motor vehicles during the previous calendar year. Enter the total number of insureds that corresponds to each applicable county.

2c - Out-of-State Misrepresentations by New York Residents– Misrepresented State of Vehicle Location

Choose from the drop down list the states that the insureds used to misrepresent where their motor vehicles were garaged and/or driven during the previous calendar year. Enter the total number of insureds that corresponds to each applicable state.

The total of columns 2a, 2b and 2c should be identical.

2d - Out-of-State Misrepresentations by New York Residents- Corresponding Loss of Premium

Enter the total amount of premium lost due to New York insured’s misrepresentation of the state where the vehicle was garaged and/or driven during the previous calendar year.

3a - Total Misrepresentations by Insureds

Enter the total number of insureds who misrepresented the principal place where their motor vehicles were garaged and/or driven during the previous calendar year. This column should equal the total of columns 1a and 2a added together.

3b - Total Misrepresentations by Insureds –Loss of Premium

Enter the total amount of premium lost due to misrepresentations regarding the principal place where motor vehicles were garaged and/or driven during the previous calendar year. This column should equal the total of columns 1d and 2d added together.