

Instructions for Completing the Rate Evasion Form

The Criminal Investigations Unit will report data concerning New Yorkers who misrepresent where their vehicles are garaged and/or driven in order to obtain a lower insurance premium in the 2021 Consumer Protection and Financial Enforcement Report to the Governor and Legislature.

Insurers writing private passenger automobile insurance that meet the requirements of Section 409(a) of the New York Insurance Law are required to provide data relating to the aforementioned misrepresentations that occurred in 2021. That data should be provided via the Rate Evasion Form (RE) 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, 2022. Edits to data may be made on or before February 22, 2022.
- Insurers will access the form via the Annual SIU Report application by selecting RE from the drop down box corresponding to the question: "What Type of Report are you Filing?"
- 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 and is also available on the Department's website on the following page:
https://www.dfs.ny.gov/apps_and_licensing/insurance_companies/fraud_reporting_and_information
- Note that the form contains a partial save feature and a time out feature.
- 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 following items:

For purposes of this form, the term “insured” is defined as the policyholder regardless of the number of drivers and automobiles covered under the policy, i.e., if one policy provides coverage to four different drivers or vehicles, 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 who garaged or drove in that county but used a different county to misrepresent vehicle location.

1c - Misrepresentations within New York State by New York Insureds –County used to misrepresent Vehicle Location

From the drop-down list, choose 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 misrepresentations for each county used.

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

Enter the total amount of premium lost due to New York insureds’ misrepresentations of the New York county where their vehicles were garaged and/or driven during the previous calendar year.

The totals reported in 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 and enter the total number of insureds who garaged or drove in that county but used a different county to misrepresent vehicle location.

2c - Out-of-State Misrepresentations by New York Residents– State used to Misrepresent County of Vehicle Location

From the drop-down list, choose 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 misrepresentations for each state used.

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

Enter the total amount of premium lost due to New York insureds’ misrepresentations of the state where the vehicles were garaged and/or driven during the previous calendar year.

The totals reported in columns 2a, 2b and 2c should be identical.

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 pertaining to 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.