STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

OFFICE OF FINANCIAL AND INSURANCE REGULATION

Before the Commissioner of Financial and Insurance Regulation

In the matter of the withdrawal of Bulletins 2003-01-INS, 2003-02-INS 2004-06-INS, 2009-11-INS, and 2010-02-INS

Order No. 12-002-M

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Issued and entered
this 6th day of January 2012
by R. Kevin Clinton
Commissioner

ORDER WITHDRAWING BULLETINS

I

Order No. 03-005-M directed agency staff to monitor insurance companies to ensure compliance with Michigan and federal law in the use of credit-based insurance scores to set premiums for automobile and homeowners insurance. Bulletin 2003-01-INS was issued to provide guidance to insurance companies about compliance with filing requirements. Bulletin 2003-02-INS updated Bulletin 2003-01-INS. However, because the rate filing requirements are already contained and adequately set forth in Chapters 21, 24, and 26 of the Michigan Insurance Code, MCL 500.100 *et seq.*, and insurers are familiar with the Commissioner's expectations and procedures related to the use of credit-based insurance scores, Bulletins 2003-01-INS and 2003-02-INS are unnecessary and should be withdrawn.

II

In 2004 this agency proposed administrative rules to prohibit the use of credit-based insurance scoring in insurance rate making. Bulletin 2004-06-INS was issued during the rule-making process to inform interested parties that the agency intended to amend the proposed rules to include a change in the effective date. The rules were eventually filed with the Secretary of State on March 25, 2005, with a new effective date. Furthermore, the Michigan Supreme Court, in *Insurance Institute of Michigan v Comm'r*, 486 Mich 370 (2010), held that the rules were invalid and unenforceable. Bulletin 2004-06-INS is therefore superfluous and should be withdrawn.

III

In 1997, Order No. 97-010-M exempted certain documents and forms from the filing and approval requirements of the Insurance Code. That order was amended in 2009 by Order No. 09-023-M and Bulletin 2009-11-INS was issued to explain the amendments. Order No. 97-010-M was eventually rescinded entirely by Order No. 10-005-M, making Bulletin 2009-11-M superfluous.

Bulletin 2010-02-INS was issued at the same time as Order No. 10-005-M but does little more than restate the content of that order. Therefore, Bulletins 2009-11-INS and 2010-02-INS are unnecessary and should be withdrawn.

IV

Therefore, it is ORDERED that Bulletins 2003-01-INS, 2003-02-INS, 2004-06-INS, 2009-11-INS, and 2010-02-INS are withdrawn.

R. Kevin Clinton
Commissioner