



**FIGHTING AUTO INSURANCE RIP-OFFS**

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2014 FAIR Report

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## Executive Summary

The FAIR Task Force (Fighting Auto Insurance Rip-Offs) was established by Secretary of State Ruth Johnson and co-sponsors to address the emerging problem of fraudulent insurance certificates in Michigan. Following a series of meetings, presentations, and discussion, the Task Force developed a comprehensive set of recommendations.

The Task Force took an integrated approach in the development of this report, and taken as a whole, these 17 recommendations—some minor and some significant—represent a series of proposed actions that can be leveraged effectively to begin to reduce the number of individuals presenting fraudulent insurance certificates. Recommendations are made to enhance insurance industry partnerships, strengthen administrative actions, and suggest legislative solutions. The following is a summary of the recommendations:

- Creation of a fraud authority (legislative, partnerships, training)
  - a. Clearly defined entry point/responsible entity for auto insurance fraud issues
  - b. Law Enforcement/investigations/prosecutions
  - c. Public education
  - d. Internal/inter-agency communication
  - e. Resource/data sharing
  - f. Audit function to identify dropped coverage
- Electronic Insurance Verification system enhancements: phased approach (legislative, administrative, partnerships)
  - a. Share with Law Enforcement Information Network (LEIN), increase reporting frequency, expand pool of reported vehicles
  - b. Online system for regulatory and law enforcement purposes as long-term goal
- Michigan Department of State (MDOS) communications: posters, mailers, etc. (administrative, partnerships)
- Provide the Department of Insurance and Financial Services (DIFS) with regulatory authority/sanctions against unlicensed agents (legislative)
- Develop and maintain key fraud prevention contact points with carriers (partnerships)
- Minimum term of insurance coverage for vehicle registration (legislative, administrative)
- MDOS: suspend/cancel license plates where invalid insurance is presented (administrative)
- MDOS: implement provision for requiring insurance policy as provided for in MCL 257.227a
- MDOS: improve internal detection systems and technology for data analytics (administrative)
- Law enforcement: promote seizure of plates in cancellation situations (administrative)
- Fraud detection training (administrative, partnerships)

## *Introduction, History, and Background*

In early 2013, the Michigan Department of State began identifying a trend in the presentation of fraudulent auto insurance certificates for the purpose of renewing vehicle registrations.<sup>1</sup> Following significant anecdotal evidence, the Department conducted a branch-wide survey of all paper auto insurance certificates presented on July 31, 2013 (*Appendix A*). Branch staff verified the validity of every certificate received that day; of the 3,400+ certificates received, more than 16% were verified as not valid. A county-by-county analysis illustrated the instances of individuals presenting invalid certificates as state-wide. The Department has conducted four such surveys over the past year; the aggregate average for fraudulent or invalid certificates is 9.2%. With more than seven million registered vehicles in Michigan, the results of the survey revealed a significant problem with fake and/or fraudulent insurance certificates.

On September 16, 2013, Secretary of State Ruth Johnson—accompanied by Colonel Kriste Etue of the Michigan State Police and then-Director Kevin Clinton of the Department of Insurance and Financial Services — convened a press conference to raise awareness of this emerging problem. At the same time, they established the Fighting Auto Insurance Rip-Offs (FAIR) Task Force and charged the group with exploring the issue and identifying recommendations to combat the complex problem.

## *Charter and Charge*

A charter for the Task Force outlined a detailed agenda from the sponsors (*Appendix B*). The purpose of the Fighting Auto Insurance Rip-Offs (FAIR) Task Force was to formalize relationships and dedicate resources between MDOS, MSP, DIFS, local law enforcement, and the insurance industry. The overarching charge was to identify recommendations to prevent uninsured motorists from receiving a valid license plate and to reduce the number of uninsured drivers. Task Force members were to explore multiple avenues of research and solution development.

<sup>1</sup> "A person who supplies false information to the secretary of state under this section or who issues or uses an altered, fraudulent, or counterfeit certificate of insurance is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both." (MCL 500.3101a).

## Members

Members of the Task Force were appointed from all relevant state agencies and the insurance industry:

- Mike Wartella and Michelle Strobel Michigan Department of State
- Amy Dehner and Christopher Hawkins Michigan State Police
- Teri Morante and Jason McNally Michigan Department of Insurance and Financial Services
- Doug Lloyd and KC Steckelberg Prosecuting Attorneys Association of Michigan
- Peter Kuhnmuensch Insurance Institute of Michigan
- Amy Mass Michigan Insurance Coalition
- Alex Hageli Property Casualty Insurers Association of America
- Scott Hummel Michigan Association of Insurance Agents

Members of the Task Force are aware that while there are several related aspects of auto insurance fraud—including certificate fraud, medical fraud, fraud by unlicensed individuals posing as agents, and other extended criminal activity—the scope of this group was specific to fraudulent activity related to auto insurance certificates. It is recognized that there is likely appropriate and significant crossover of Task Force members in discussions of other types of fraud related to auto insurance.

Additionally, there are financial implications to many of the recommendations contained in this report. Although the group was charged with developing a broad set of conceptual recommendations, the report includes financial information where it is known, and members of the Task Force acknowledge that additional discussions will be necessary with regard to financial realities related to implementing some recommendations.

## Task Force Activities/Methods

Over a period of approximately six months, the Task Force convened six intensive meetings to share information and resources in order to aggressively pursue fraudulent activity related to insurance certificates. More than 50 individuals from state agencies, law enforcement, the insurance industry, and the legislature participated (*Appendix C*).

The Task Force hosted presentations on several relevant topics, including:

- Real time/online insurance verification
- Investigations processes from the Department of Insurance and Financial Services
- Overview of a training and research project in 2014 (OPERATION UNINSURED) from the Michigan State Police
- Survey updates and case summaries from the Department of State
- Background on proposed Fraud Authority legislation
- Best practices report prepared by AAMVA (American Association of Motor Vehicle Administrators) on recommendations for standardization of insurance certificates

In addition, each meeting included up-to-date information sharing on current or emerging policies in other states, discussing barriers regarding investigations, and other relevant information.

## Recommendations:

The group identified 17 recommendations in three broad categories: industry partnership opportunities, departmental/administrative solutions, and legislative remedies. There is substantial overlap across the three categories and among most individual recommendations within each category. It is hoped that these recommendations will serve as a starting point in the continued pursuit of: reducing the instances of individuals presenting fraudulent auto insurance certificates, prosecuting criminal enterprises selling fake insurance and the over-arching issue of uninsured motorists and their burden on Michigan's insurance system and residents.

### Industry Partnership Opportunities

1. In the absence of a central Fraud Authority, a structure should be established to facilitate ongoing information sharing (investigation, prosecution, resources, communication/data sharing) and resource development. See also Recommendation #14 for suggested activities of a central authority related to presentation of fraudulent insurance information.
2. A master list of contact points with insurance carriers and their fraud prevention offices should continue to be expanded, maintained and distributed for use by individuals or groups who need to verify auto insurance (for example: Department of State employees, law enforcement personnel) or pursue potential incidences of fraud.
3. Working with DIFS and the industry, develop/promote an insurance fraud public tip line.

### Administrative Solutions

4. Identify additional/relevant groups to engage in fraud prevention discussion, such as court personnel and the auto dealer community.
5. Fraud detection training programs should be developed and implemented for law enforcement, prosecutors, court, and Department of State personnel; insurance carriers and agents; and auto dealers.
6. The Department of State should continue planning and implementing a comprehensive external communications campaign to build awareness of the crime of presenting false insurance certificates, and inform customers of potential consequences of presenting fraudulent certificates, within the context of vehicle registration. A communications program could build on the initial set of materials that have been prepared (posters, mailers, etc.) and distributed. Other agencies should also consider appropriate communications with constituents.
7. The Department of State should continue to develop internal systems to better identify and validate insurance certificates and communicate with customers where the validity of a policy is in question, cancelling vehicle registrations in instances where a policy cannot be verified.<sup>2</sup>
8. The Department of State should implement a process to verify the validity of all insurance certificates that are submitted via Renewal-by-Mail (estimated at 10-15,000 registrations/day).
9. In the event of such cancelled registrations, law enforcement should consider appropriate action, such as seizing a license plate, during traffic stops or at accident scenes.

<sup>2</sup> FY15 budget includes funding (\$1.4 million appropriated) to help initiate efforts described in Recommendations 7, 8, and 11.

10. The Department of State should develop an implementation plan with the court system to utilize the authority granted in the Motor Vehicle Code related to 6-month prepaid noncancelable policies for registration purposes where the court notifies the Department of an uninsured vehicle (MCL 257.227a)
11. The Department of State should develop enhanced technology solutions to analyze data comprehensively in order to identify trends and patterns that may reveal larger-scale criminal activity. This may include ways to track appointments-of-agent or larger scale data analytics programs.
12. The Department of State should share relevant Electronic Information Verification (EIV) data with law enforcement for use during traffic stops and accident responses.
  - a. If EIV information becomes available on the Law Enforcement Information Network (LEIN), develop training for law enforcement personnel who encounter an “EIV = no” code, since there are several legitimate reasons that valid insurance policies may not be included in the EIV system.
13. The law enforcement community should consider expanding their pilot training program for law enforcement personnel in identifying common characteristics of fraudulent insurance certificates.

## *Legislative Remedies*

14. The Legislature should strongly consider the establishment of a central auto insurance fraud authority tasked with the responsibility to promote prevention activities and serving as the lead agency for pursuit of law enforcement and prosecution of fraudulent auto insurance activity. To that end, providing longterm financial support to a fraud authority (and the relevant regulatory, administrative and law enforcement agencies) will ensure a continuing ability to address this ever-changing landscape.
  - a. Perhaps the most significant deficit the Task Force discovered during its tenure is the lack of a central “hub” for both disseminating information about auto insurance fraud and pursuing criminal activity that’s uncovered. Public education, internal communication (between insurers, state agencies, law enforcement, and others), comprehensive data analysis, training for law enforcement and prosecutors, and the ability to compile and consolidate investigative information are all critical components of an integrated response to the auto insurance fraud challenge. While the solution is multi-faceted and crosses the insurance industry and several governmental agencies, a central point of contact and authority is necessary for the success of the endeavor. The current lack of such a central body leaves the problem adrift, with no acknowledged (or assigned) “owner” of the problem.
  - b. The Task Force discussed several issues that may be best directed by a fraud authority. We encourage a fraud authority, in conjunction with appropriate stakeholders, to consider as a starting point the following topics: assessment of the value, development, and/or implementation of a system to identify where minimum insurance coverage is dropped in order to notify the state; consideration of how to best pursue investigation and prosecution of fraudulent auto insurance activity (training and communications); and explore the value of uniform standards for proof-of-insurance certificates and/or security measures on certificates.
15. Numerous instances have been uncovered where individuals who are not licensed to operate as insurance agents are producing and selling insurance certificates. The Department of Insurance and Financial Services should have regulatory and/or sanction authority with penalties equivalent to or greater than that which the Department of State has with unlicensed auto dealers.
16. The nexus for uncovering most of the fraudulent activity that led to the creation of the FAIR Task Force coincides with recent legislative changes mandating insurance carrier participation in the Department’s Electronic Insurance Verification (EIV) system. In order to improve the accuracy of the electronically verified data, the following enhancements should be made:
  - a. Near term: Consider expanding the current Electronic Insurance Verification (EIV) system to: increase the frequency of reporting from the current 14 days to 7 days, and expand the pool of reported vehicles to include self-insured entities and motorcycles.

- b. Long-term: Move to an online verification system based upon industry and state agency technological capability.
17. Current law states that MDOS must verify that the vehicle has insurance at the time of renewal. The Legislature is urged to consider amending the Vehicle Code to prescribe a minimum term for an insurance policy to qualify for registration renewal.

## *Proposed Next Steps*

Through the FAIR Task Force, several connections have been made or enhanced between individuals representing various aspects of the fraudulent insurance certificate issue. Though the FAIR Task Force is ad hoc in nature, these new and strengthened connections provide a strong foundation for additional actions to further address the challenge. Current proposed legislation may also serve as a catalyst to strengthen the collective ability to combat insurance certificate fraud. Members and stakeholders have the opportunity to use this document individually and collectively to consider and/or implement the recommendations herein. We encourage additional conversations among members and other stakeholders to develop more fully the concepts described in these recommendations. The Task Force sponsors and other interested parties are encouraged to consider the recommendations made here, reach out to appropriate partners, and determine concrete next steps to implement them.



# Fighting Auto Insurance Rip-Offs (FAIR) Task Force Charter

## *Membership and Roles*

### *Sponsors:*

- Secretary of State, Michigan Department of State (MDOS)
- Director, Michigan State Police (MSP)
- Director, Michigan Department of Insurance and Financial Services (DIFS)

### *Members will include representatives appointed by leaders of:*

- Michigan Department of State
- Michigan State Police
- Michigan Department of Insurance and Financial Services
- Prosecuting Attorneys Association of Michigan
- Insurance Institute of Michigan
- Michigan Insurance Coalition
- Property Casualty Insurers Association of America
- Michigan Association of Insurance Agents

*Task Force sponsors may appoint additional members to participate.*

## *Goals and Scope of Activities*

The Task Force will formalize relationships and dedicate resources between MDOS, MSP, DIFS, local law enforcement, and the insurance industry. An overarching goal is to prevent uninsured motorists from receiving a valid license plate and to reduce the number of uninsured drivers. Task Force members will work together to share information and resources to aggressively pursue fraudulent activity related to insurance certificates through administrative remedies, investigations and prosecutions, and through the development of additional legislative remedies. Primary activities of this advisory body are to:

- Develop improved MDOS staff processes for identifying fraudulent plate renewals using invalid insurance
- Enhance law enforcement ability to identify uninsured motorists
- Develop communication paths with insurance community
- Gather necessary evidence to successfully prosecute fraudulent activities
- Partner with law enforcement to pursue these occurrences
- Partner with DIFS to pursue and prevent fraudulent insurance sales activity and develop communication lines on changes to authorized insurers and DIFS regulatory actions that correspond with MDOS duties
- Pursue technology enhancements to prevent fraud and enforce insurance requirements

*Specific agenda items to be discussed may include:*

- Administrative Actions - Potential Options for Discussion:
  - a. Develop agreements between the three agencies for investigation assistance and case referral. Seek input from prosecuting attorneys to increase the likelihood of successful outcomes.
  - b. Suspension and/or cancelation of fraudulently renewed plates.
  - c. Discuss options for situations where MDOS becomes aware of vehicles that drop coverage.
  - d. Sharing EIV data/status with law enforcement through LEIN.
- Insurance Industry Partnership – Potential Options for Discussion:
  - a. Developing contact points with each carrier/formalize communication paths.
  - b. Insurer data sharing on security or unique features in existence on the policies/certificates.
  - c. EIV data that may be useful to the industry.
  - d. Identifying insurer policy verification/validation methods and assistance.
  - e. Sharing of suspicious activity identified by the insurers.
- Possible Legislative Concepts for Discussion:
  - a. Amend Vehicle Code to require a minimum term for an insurance policy to qualify for registration renewal.
  - b. Increase frequency of EIV reporting from insurers (currently happens on the 1st and 15th of every month).
  - c. Include motorcycle and commercial vehicle data in EIV reporting, as long as insurer has the VINs.
  - d. Include specific reference to task force in no-fault proposal to create Auto Insurance Fraud Prevention Authority.
  - e. Provide specific statutory references to criminalize and regulate unlicensed insurance sales activity.

## *Timeline*

The duration of Task Force activities is expected to be six to nine months. The Task Force will foster a long-term/ongoing relationship to continue the fight against fraudulent activity.

## *Staffing*

The Task Force will be staffed by representatives of the Michigan Department of State.

## *Final Report*

The Task Force will submit a final report with findings and recommendations to the Task Force Sponsors at the conclusion of its formal duties. The report should propose multi-level recommended solutions, including potential administrative actions, ways to strengthen insurance industry partnerships, and possible legislative avenues.

## *Participants in FAIR Task Force meetings*

Rob Anderson	Michigan Farm Bureau
Glenn Anderson	State Senator
Pam Barkel	Michigan Association of Insurance Agents
Gabe Basso	Michigan House Republican Policy Office
Mike Batterbee	Michigan Department of State
Matt Breslin	Karoub Associates
Trisha Brumley	Office of State Representative Aric Nesbitt
Amy Dehner	Michigan State Police
Heather Drake	AAA Michigan
James Fackler	Michigan Department of State
Mike Frederick	Frederick Group
Gisgie Gendreau	Michigan Department of State
Dwayne Gill	Michigan State Police
Chris Hackbarth	Michigan Department of State
Alex Hageli	Property Casualty Insurers of America
Tiffany Hauser	AAA Michigan
Chris Hawkins	Michigan State Police
Scott Hendrickson	Office of State Senator Glenn Anderson
Scott Hummel	Michigan Association of Insurance Agents
Joe Hune	State Senator
Bill Jackson	McAlvey, Merchant and Associates
Rose Jarois	Michigan Department of State
Nathan Johnson	Michigan State Police Troopers Association
Troy Johnston	Michigan State Police
Cathy Kirby	Department of Insurance and Financial Services
Bill Kordenbrock	Michigan Department of State
Peter Kuhnmuench	Insurance Institute of Michigan
Justin Lankes	Scout/Virtual Advantage
Doug Lloyd	Prosecuting Attorneys Association of Michigan
Tom Manning	State Farm Insurance

Amy Mass	Michigan Insurance Coalition
Jeremy McDonald	Michigan Association of Professional Insurance Agents
Katie McDonald	Michigan Association of Professional Insurance Agents
Tamie McGarey	Citizens Insurance Company
Jason McNally	Department of Insurance and Financial Services
Kyle McPhee	Michigan State Police
Terri Miller	Michigan Automobile Insurance Placement Facility
Teri Morante	Department of Insurance and Financial Services
Mike Pendy	Prosecuting Attorneys Association of Michigan
Earl Poleski	State Representative
Dave Richmond	Michigan Department of State
Jennette Sawyer	Michigan Department of State
Jack Schick	Karoub Associates
Mike Senyko	Michigan Department of State
Cathleen Simlar	Michigan Department of State
Kurt Simon	Michigan Farm Bureau
K.C. Steckelberg	Prosecuting Attorneys Association of Michigan
Michelle Strobel	Michigan Department of State
John Strodbeck	Michigan Department of State
Troy Tuggle	Office of State Senator Joe Hune
Grace Ueberroth	Michigan Department of State
Dyck Van Koevering	Insurance Institute of Michigan
Michael Wartella	Michigan Department of State
Christine Wright	Michigan Association of Insurance Agents
Bill Zaagman	Governmental Consultant Services Inc.
Tabitha Zimney	Karoub Associates