



September 30, 2020

Teresa Cooper
Market Analysis Manager
NAIC Central Office
1100 Walnut Street, Suite 1500
Kansas City, MO 64106-2197

VIA Electronic Mail: tcooper@naic.org

RE: New MCAS Data Element: Lawsuits Closed With Consideration for the Consumer

Dear Ms. Cooper:

The American Property Casualty Insurance Association (APCIA)¹ respectfully requests the Market Conduct Annual Statement (MCAS) Blanks Working Group delay collection of the new data element, Lawsuits Closed with Consideration for the Consumer, for private passenger automobile (PPA) and homeowners (HO) insurance for a minimum of one year. Rather than collection of 2021 data in 2022, APCIA feels the earliest this data should be collected from companies is for 2022 data collected in 2023.

As you are aware, APCIA has spoken with NAIC staff over the last few weeks regarding a need to revisit the newly adopted definition of "lawsuit" for PPA and HO. On conference calls held May 27 and 28, 2020, it was decided to add the new data element referenced above and to change "suit" to "lawsuit" and align the definition for PPA and HO MCAS with other lines of business. These amendments were adopted by the D Committee at the end of July, meaning they would be effective for the 2021 data year for collection in 2022.

Since that time, it has been determined that the newly adopted definition of "lawsuit" may not be workable for PPA and HO, and that the MCAS Blanks Working Group will need to determine whether to revert to the current definition of "suit." As time will not allow for discussion of this until October, insurers are "on hold" with regard to programming for the new data element. Without a settled definition for "suit" or "lawsuit," companies are unable to begin preparing to pull data on a subset of suits/lawsuits. For these reasons, APCIA requests delay of collection of "Lawsuits Closed with Consideration for the Consumer" data for PPA and HO MCAS.

¹ The American Property Casualty Insurance Association (APCIA) is the primary national trade association for home, auto, and business insurers. APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers, with a legacy dating back 150 years. APCIA members represent all sizes, structures, and regions-protecting families, communities, and businesses in the U.S. and across the globe.



Thank you for the opportunity to provide comments. APCIA looks forward to working with you on this issue going forward. If you have any questions or would like to discuss any of our comments further, please let us know.

Respectfully Submitted,

A handwritten signature in black ink that reads "Lisa Brown" with a long horizontal flourish extending to the right.

Lisa Brown
Sr. Director, Market Conduct and Counsel