



MONTANA

Consumer Guide to Auto Insurance

Helping Montana consumers make
informed decisions on auto insurance



CONSUMER GUIDE TO AUTO INSURANCE

CONTENTS

INTRODUCTION TO AUTO INSURANCE	1
UNDERSTANDING YOUR AUTO INSURANCE POLICY	2
REQUIRED AUTO INSURANCE	3
OPTIONAL TYPES OF AUTO INSURANCE.....	4-5
GETTING THE RIGHT COVERAGE	6
ACCIDENTS AND VIOLATIONS	7
HOW TO SHOP FOR AUTO INSURANCE.....	8
SHOPPING TIPS.....	9
FREQUENTLY ASKED QUESTIONS.....	10-11
INSURANCE COMPLAINTS/WHEN YOU HAVE A PROBLEM.....	12
UNDERSTANDING THE CONSUMER COMPLAINT PROCESS.....	13-14

Introduction to Auto Insurance

There are three major reasons to buy auto insurance:

1. To protect assets

Auto insurance provides bodily injury and property damage liability coverage for accidents that happen to others for which you are responsible. The state-required minimum coverage may not be enough to protect you. Auto insurance also may cover physical damage for accident –related repairs to your insured car.

2. To satisfy your lender

If you have a car loan, most lenders require you to have insurance to protect their investment in your car by listing them on your policy.

3. To follow state laws

All states require you to be able to pay at least a minimum amount for auto accidents. Most people buy liability coverage to meet this requirement.

Understanding your Auto Insurance Policy

Your insurance policy is a contract between you and your insurance company. It spells out exactly what the company agrees to do in exchange for the premium that you pay. This contract is divided into two sections: *a declarations page* and the *policy* itself.

1. The Declarations Page

This section of the policy includes basic details of the agreement. It is important that you review this page to make sure all the information is correct and the coverage you requested is included. The declarations page includes:

- Name of the insurance company
- Name(s) of the policyholder(s)
- Policy number
- Policy time period
- Description of the vehicle(s) insured
- Coverage purchased
- Limits of liability and deductibles purchased
- Premium charge for each coverage
- List of forms that are a part of the policy

2. The Policy

The second part of your insurance contract is the policy itself. This includes:

- Insuring agreement
- Definitions
- When and where coverage applies
- Conditions
- General conditions
- Mutual conditions
- Exceptions and endorsements of the policy

Consumer tip:

Be sure to review your declarations page to verify that your policy includes the types and amounts of coverage you requested.

Types of Auto Insurance

Required Auto Insurance

Montana has a financial responsibility law designed to ensure that *any licensed motorist has liability insurance or enough money to pay for losses that result from an auto accident*. There are two ways to comply with the law.

1. Auto liability insurance is the most common. Your policy must provide at least the following minimum liability coverage:
 - \$25,000 for injury or death of one person;
 - \$50,000 for injury or death of two or more people;
 - \$20,000 for property damage (as of January 1, 2016)

Bodily injury liability insurance does not protect you or your auto directly. It protects you against claims for medical expenses, lost wages, pain and suffering and other losses, if you cause an accident. It also will pay if a family member or person using your auto with consent causes an accident. The minimum limits will pay for the losses of any one victim up to \$25,000 for each accident. If several people are injured in an accident you cause, the minimum coverage will pay for losses up to an overall limit of \$50,000.

Property damage liability insurance pays for any damage you cause to the property of others such as a crushed fender, broken glass, or a damaged wall or fence. Your insurance will pay if you were driving your auto or a person was driving with your consent. The minimum limit required by law covers property damage losses up to \$20,000.

2. Self-insurance or surety bonds. This option satisfies the legal and financial requirements, but it does not constitute insurance. Your home, wages and other assets may be taken to pay for any valid claims against you. Details are available at any Department of Motor Vehicles.

Penalties for Uninsured Motorists

- Any person operating an uninsured vehicle on public roadways will, upon conviction, be fined a minimum of \$250 or sentenced up to 10 days in jail for a *first offense*.
- If convicted a *second time*, the operator will be fined a minimum of \$350 or sentenced up to 10 days in jail. The vehicle owner will be ordered to surrender the vehicle registration and license plates for up to 90 days.
- A *third* or subsequent conviction results in a \$500 minimum fine or up to six months in jail and the vehicle owner will be ordered to surrender the vehicle registrations and license plates for 180 days.
- If convicted a *fourth* or subsequent time, the offender's driver's license will be suspended until proof of compliance is provided.

Optional Auto Insurance

Optional coverage is available in addition to the required coverage. These provide additional protection against financial losses resulting from an auto accident.

If you buy only the insurance required by law, and you cause an accident in which you are injured and your auto is damaged, your auto insurance policy will not cover your own losses. Liability insurance pays only for losses you cause to others. Uninsured motorist coverage pays for the medical costs of your bodily injuries, but only if the injuries were caused by someone else without insurance.

Collision and Comprehensive Coverage

Collision and comprehensive coverages, which are known as physical damage coverage, pay for repair or replacement of your auto regardless of who is at fault.

- *Collision coverage* pays if your auto collides with an object, including another auto.
- *Comprehensive coverage* pays for damage to your auto from almost all other causes such as fire, vandalism, water, hail, glass breakage, wind and falling objects. It also pays if your auto or parts of the auto are stolen. However, there are usually some restrictions regarding coverage for electronic equipment and personal property or other vehicle modifications.

These coverages pay the actual replacement value of your auto if it is stolen or destroyed. Generally, this means that you will be paid only the current market value for your vehicle in pre-loss condition. The company will not pay the cost to replace your auto with a new, current model vehicle of similar quality and equipment. The company is not required to find you another vehicle.

If you finance an auto, the lender generally requires you to have this coverage until the loan is repaid.

Rental Reimbursement Coverage

This coverage will reimburse you for the cost of renting a vehicle if your auto is withdrawn from use for longer than 24 hours and the withdrawal is caused by a collision or a comprehensive loss as defined in your policy. Ask your company or agent how much per day the coverage will pay and the maximum number of days it will cover.

Medical Expense Benefits Coverage

Medical expense benefits coverage pays the medical and funeral expenses for you or others injured or killed in an accident while riding in or driving your auto. This includes all reasonable hospital, surgical, rehabilitative, chiropractic, x-ray, dental, professional nursing, prosthetic and funeral expenses. It also may cover you or members of your family if you are struck by an auto while walking or riding in another auto. You may not need this coverage if you have health insurance. However, it also may pay for injuries to your passengers.

Additional Liability Coverage

You may need liability insurance above the required amount depending on how much you have to lose. If you have purchased \$50,000 of insurance and there is a \$100,000 claim or judgment against you, you personally will be responsible for the remaining \$50,000 in damages that you or another driver in your auto caused. To reduce this exposure you can purchase more than the minimum limits required by law. You also should consider buying higher property damage insurance limits than are required by law due to the increasing costs of new automobiles and auto repair work.

Uninsured/Underinsured Motorist Coverage

Uninsured motorist coverage protects you in the event that you are injured by a driver who does not have insurance; underinsured motorist coverage protects you in the event the at-fault driver does not have enough insurance to cover your loss. Uninsured motorist coverage may also protect you if you are injured by a hit-and-run driver. These coverages protect you by making sure that money is available to pay for bodily injury, sickness, disease or death resulting from an accident caused by an uninsured or underinsured motorist. Some insurers also provide underinsured or uninsured motorist coverage which covers damage to your vehicle.

State law mandates uninsured motorist coverage to be offered. However, you may decline the offer by signing a coverage waiver form.

Information for seniors

Montana law requires a reduction in premiums on auto policies that insure people 55 years old and older upon their completion of a highway traffic safety program approved by the Department of Transportation. Each insurer determines the appropriate reduction.

Getting the Right Coverage

Buying the right kind and amount of insurance is difficult because you cannot predict your future needs. To protect your future financial security and to keep your present insurance premiums as low as possible, follow these three general guidelines when you buy insurance:

1. The more you have to protect, the more insurance you need. If you own a home or are regularly employed at a good wage, you should consider buying more insurance than the minimum coverage required by law.
2. Buying insurance to cover your own smaller losses may be unnecessary. If you have a higher deductible or do not buy collision coverage on an older auto, you may save money. The key is to decide how much you could pay in the event of an accident without causing yourself financial hardship.
3. You should discuss your insurance needs with your agent. It is your agent's job to help you choose the type and amount of insurance coverage you need.

Deductibles

Collision and comprehensive coverages protect you against damage to your auto and can be purchased at a much lower price if you have a higher deductible. Deductibles typically range from \$50 - \$1,000, which is the amount you pay out-of-pocket to repair or replace your auto before you collect from your insurance company.

For example, if you have a deductible of \$200 and have a \$500 loss, you collect \$300 from your insurance company. If a loss of less than \$200 occurs, you pay for all of it yourself.

You should choose a deductible you can afford without causing financial difficulty if an accident occurs. A higher deductible will lower your insurance premium costs the most on collision coverage, but you also should consider a higher deductible when you buy comprehensive coverage.

Consumer tip:

Refer to the *CSI Montana Automobile Insurance Rate Comparison Guide* for real-world scenarios and corresponding premiums. Go to <http://csimt.gov/your-insurance/auto/> for links to the guide.

Accidents and Violations

It is important to give your agent a thorough report on the driving records of all licensed drivers in your house. If you or a member of your family has caused a traffic accident or has been convicted of a traffic violation such as speeding or reckless driving during the last three years, your insurance premium may be higher.

Most companies that sell insurance in Montana have a "Safe Driver Plan." If no driver in your household has had an at-fault accident or conviction, you may qualify for a lower premium.

Montana law prohibits an insurance company from surcharging a private passenger auto policy due to a claim submitted under the insured's policy if the insured was not at fault. If you are in an accident that is caused by another driver and you submit a claim to your insurance company to cover your losses, the company cannot surcharge you in any way. If you feel that your premium has increased due to an accident that was not your fault, you may ask the Department of Insurance to help you correct the situation by calling toll free 1-800-332-6148 or 444-2040 in Helena.

What to do when you are in an accident

1. Call the police.
2. Obtain information. Secure the name, address, policy number, insurance company name, and driver's license number of all drivers involved.
3. Note the time, date, location, road conditions, make and year of vehicles involved, apparent damage and injuries, and your version of what happened. Make a diagram of the accident scene.
4. Notify your agent or insurance company as soon as possible.
5. Obtain the names and addresses of all witnesses and individuals involved in the accident.
6. Protect your property from further damage. Your agent may be able to help you file a claim. Fill out the forms correctly and completely and keep copies for your records.

The company should send you any forms necessary to verify your claim. Your claim should be paid promptly after the company receives adequate proof of loss. If the company rejects your claim or pays only part of it, you should be given an explanation for the decision.

If you are involved in an auto accident, you may be responsible for the losses of the other people involved. A claim may be made or a lawsuit filed against you for those losses. You may have to pay not only for the property damage you cause, but also for medical expenses, lost wages, and pain and suffering of any injured person. The amount of money you may have to pay could be substantial. If you do not have insurance, anything of value that you own, including your home, savings and future earnings, may be taken to pay for those losses. The proper amount of liability insurance can/may prevent this from happening to you.

How to Shop for Auto Insurance

Montana has a competitive rating law, which means that various companies charge different prices for auto insurance. Price is an important consideration when buying insurance, but it should not be the only one.

Shop around. Before buying insurance, you should consider contacting several insurance agents or companies to find the best combination of quality and price. You should know what you want before you shop so you will be less likely to buy something you don't need. Ask several agents or companies to quote how much the annual premium would be for a policy to insure your auto.

Once you have narrowed your search to two or three companies, you should consider each company's reputation for financial stability, policyholder services, underwriting practices and claims handling practices. Service is difficult to measure, but you can get some indication of a company's quality by talking to insurance agents. You also may ask your friends and neighbors, who have policies with companies you are considering, about their experience with the company. Read policy documents completely to be sure you know what you are buying and to be sure you are comparing "apples to apples."

Consumer tip:

BEFORE purchasing a new car, ask your insurance agent about the difference in premiums for the cars you are considering. Auto insurers have a rating system for every car make and model.

Shopping Tips

- Be sure to tell your company or agent if the following information applies to you. You may be entitled to a lower premium.
 - Your auto has an anti-theft device, automatic seatbelts, and/or airbags.
 - Your auto is used for pleasure driving only and you do not drive it to work.
 - You are in a car pool and drive to work an average of no more than two days per week.
 - You are a full-time student and your grade point average is 3.0 or above.
 - The distance you drive to work is short.
 - You drive fewer than 7,500 miles per year.
 - You have had no accidents or violations.
 - You have successfully completed a driver education course.
- Many mutual companies pay dividends to their policyholders at the end of the year. However, dividend amounts are not guaranteed.
- Do your shopping as far in advance as possible. This will give you time to consider more companies and it will prevent a hasty decision. Remember, if you change companies at a time other than the renewal date of your policy, you will be charged for the administrative costs of canceling the policy.
- If you have been denied coverage by an insurance company because you had an auto accident or traffic violation, try another company. Do not assume that you will be turned down by all companies because they have a variety of underwriting standards. If several companies turn you down, try some companies that have higher premiums.

What to do if you are unable to obtain auto insurance:

Any licensed agent can get insurance for you through the Montana Automobile Insurance Plan administered by the Western Association of Automobile Insurance Plans. The plan should be a last resort because the premiums generally are higher than those of private companies.

Frequently Asked Questions

When can an insurance company consider my car a “total loss”?

It is a total loss when the repair cost approaches or exceeds the actual replacement value of the car.

Why does my insurance cost more than my agent said it would?

Determining your premium depends on many factors, including where you live, the kind of car you drive, how much you drive, how much coverage you want, your driving record, and your age.

If an error is made in reporting any of these factors, your rates won't be quoted correctly. Auto insurance misquotes can happen when your application information differs from your actual driving record.

Companies ask the state's motor-vehicle division to verify the records of the drivers they insure. If you told your insurance agent you have a perfect driving record, and you don't, your insurance company will charge higher premiums than your agent quotes.

To avoid misquotes, provide accurate information about your driving record and any other factors that could affect the cost of insurance, such as the make of your car or how far you commute to work. Verify all information before signing the application.

Under the terms of the physical damage coverage in my auto policy, do I have the right to make the insurance company repair, replace or pay me cash for my wrecked auto?

No. The choice is a right given to the company in your policy.

Will an insurance company pay to replace items such as tires or batteries when they are damaged in an accident?

Yes. However, a company will not necessarily pay for 100 percent of the replacement cost of items including tires, batteries or entire paint jobs. These items may be subject to a deduction for depreciation for the amount of time the item had been in use prior to the accident.

Will my comprehensive coverage provide payment to me if my belongings are stolen from my car?

Generally, stolen items are covered only if they are considered automobile equipment. If the property is not automobile equipment, the loss may be covered under your homeowner's or renter's policy.

I was involved in an accident in which the other party was at fault. Am I entitled to compensation for loss-of-use while my vehicle is being repaired?

If the other party's insurer assumes liability for the accident and your vehicle is not considered drivable, you would be entitled to recover reasonable compensation for the loss of use of your vehicle. If the company does not accept liability, you have to carry rental reimbursement coverage, an optional coverage available under your own policy.

Is there a grace period for late payment?

No. The company may cancel your policy for nonpayment if the payment is not received by the date and time due.

FAQs cont.

What is the difference between points assigned to my driving record by the DMV and points on my insurance policy?

An insurance company may assign its own points for a conviction or for an accident where you were either partially or wholly at fault. It is a surcharge to the policy that has nothing to do with the points on your motor vehicle record. The Department of Motor Vehicles assigns points to your driving record for violating motor vehicle laws.

May an insurance company use non-original manufactured parts, or “after-market” parts, or used parts in repairing my damaged vehicle?

Yes. The company may have your car repaired with after-market parts or used parts. However, it must disclose on the estimate or on a separate document that the estimate is based on the use of after-market parts.

If I choose to cancel my policy before its expiration date, can the company charge me a fee?

Yes. Companies may charge an administrative “short-rate” fee to cover their costs for processing the cancellation.

If my car is determined to be a total loss, can I keep it?

Yes. The company’s settlement offer will be reduced by the salvage value of your vehicle, which is the value of the vehicle after the loss.

Is there any one method a company must use to determine the value of my vehicle when settling a total loss claim?

The company must reimburse you the actual cash value of your vehicle. This is usually determined by an area market survey. The company may use the book value, only if you agree.

Do I have the right to select a repair shop to repair my vehicle?

Yes. However, the company only has to provide payment equivalent to the lowest complete bid.

I was involved in an accident. The other person’s insurance company has offered to pay only part of my claim based on comparative negligence. What is comparative negligence?

The other party is responsible for your injury or property damage caused by his or her lack of ordinary care, except so far as your lack of ordinary care brought the injury or damage upon yourself. If the other party’s lack of ordinary care was greater than yours, you can collect part of your damages equal to the percentage of fault attributed to the other party.

Insurance Complaints

Know your rights

Montana law states that if an insurance company refuses to issue an auto policy to you, they must tell you why, but only if you ask. It may be that the company's decision was based on incorrect information. You have the right to obtain a copy of the information the company used to make its determination. If it contains incorrect information, you will be allowed to correct it.

After your policy has been in effect 60 days or more, the company cannot cancel it for the remainder of the policy term unless:

- you fail to pay the premium;
- your driver's license or that of a member of your household is revoked or suspended;
- you have materially misrepresented information requested by the company;
- your risk changes substantially; or
- the insurer becomes financially impaired.

In addition, a company intending to cancel or non-renew your policy must give you notice in writing stating the termination date and the reason for termination. The notice must tell you that you have a legal right to appeal to the Commissioner of Securities & Insurance and obtain insurance through the Montana Automobile Insurance Plan.

When you have a problem

Contact your agent or company

If you believe your insurance company has improperly refused to issue or renew your policy or has refused to pay all or part of a valid claim, you have a right to question the decision. Sometimes a mistake has been made and it will be corrected if an inquiry is made. Be sure to keep copies of all correspondence. If you make an inquiry by telephone, keep a written record of the date and time of your call, the name of the person you talked to and what was said during the call.

We are here to help

If you do not receive a prompt, courteous and satisfactory response from your insurance company, you may need help to resolve your problem. Call the CSI Consumer Hotline at **1-800-332-6148**. Professional consumer advocates are available to assist you on a wide-range of insurance issues.

File a Complaint

Filing a complaint online is easy. Use the *File a Complaint* link on the CSI website homepage at www.csimt.gov. Or if you prefer, you may also write a detailed letter describing your complaint.

Understanding the CSI Consumer Complaint Process



The Office of the Montana State Auditor, Commissioner of Securities and Insurance, has staff dedicated to helping consumers resolve complaints against insurance companies, agents and agencies. Before you file an insurance complaint with the CSI, please read the important information below.

Before filing a complaint

1. Contact the insurance company or agent and bring the problem to their attention. Document your phone calls by noting the name of the person you speak to, the date of the call and a brief summary of the conversation. Keep copies of all written communications.
2. If you are not satisfied with the results you receive, contact the Department of Insurance for assistance. Compliance Specialists are available to answer general questions by phone at our toll-free Consumer Assistance Hotline (800) 332-6148 or in Helena 444-2040. **However, official complaints must be submitted in writing.**

How to file a complaint

1. Click the 'File an Insurance Complaint' tab on the CSI website Home page (www.csimt.gov) or complete the hard-copy Insurance Complaint Form.
2. When your complaint is received, a file number will be assigned and you will be sent written notification of that number. Please refer to the complaint file number when you call or write to the Commissioner.
3. When a response to the complaint is received from the company or producer, a Compliance Specialist will review the complaint and response.

This review will result in one of the following actions:

- If the complaint has been resolved, the complaint will be closed and you will be sent a letter;
- If an insurance law has been violated, the Commissioner will request corrective action;
- If the company is not abiding by the policy, the Commissioner will request corrective action;
- If the insurer or producer has not responded to all questions or has not investigated the complaint thoroughly, the Commissioner will require them to do so;
- If no violation of Montana insurance law is found, a letter will be sent to you with an explanation of the finding and notice that the investigation is being closed;
- In each instance, you will receive a written response from the Commissioner's office explaining the results of our investigation.

Types of complaints the Commissioner can handle

The Commissioner handles most insurance problems involving home, business, auto, health, life, etc. Those problems may include coverage issues, claim disputes, premium problems, sales misrepresentations, policy cancellations, and refunds, just to name a few. The Commissioner will also investigate complaints against insurance agents, adjusters and consultants.

The Commissioner's office can assist consumers with appeals of denied health insurance claims. For more information, refer to the Commissioner's guide to internal appeals and external review on the agency website www.csimt.gov. If you have questions about appealing a denied claim, please call the Commissioner's office at 800-332-6148.

Actions the Commissioner *cannot* take on your behalf

- Act as your legal representative or give you legal advice;
- Intervene in a pending lawsuit, on your behalf;
- Consult with you if you are represented by an attorney unless we have your attorney's written permission;
- Recommend an insurance company, producer or policy;
- Identify another person's insurance company;
- Resolve a dispute between you and your insurance agent or company when the only evidence is your word against the word of the producer or company;
- Make medical judgments;
- Determine the value of damaged or stolen property or conclude who was at fault for an accident;
- Establish the facts surrounding a claim (such as who is being truthful when there are differing accounts of what happened);
- Investigate an insurance complaint filed by a medical service provider, contractor, auto repair shop or any other outside party without the written authorization of the consumer; or
- Address plans that the Commissioner has no regulatory authority over, including MMIA (Montana Municipal Insurance Authority) and rental car agencies.

Plans over which the Commissioner's Office has no authority

NOTE: If the Commissioner's office does not have authority over your complaint, you will be referred to the proper authority. If you have questions about the types of complaints the Commissioner has the authority to resolve, please call 800-332-6148.

- Federal employees' health plan and life insurance - Call 1-202-606-1800
- Medicare Advantage or Medicare Part D – Call 1-800-633-4227
- Medicaid – Call 1-800-362-8312
- State Fund worker's compensation – Call 406-444-1574
- Worker's compensation claims disputes – Call 406-444-1574
- Self-funded employee health benefit plans – Call 866-444-3272
- State-sponsored, self-insured health plan for teachers and state employees – Call 406-444-7462
- Any self-insured governmental plans – Call your employer

Where else can I go for help?

For more help with specific issues, check the list of organizations below.

- If you are covered under a **Medicare, Medicare Advantage, or Medicare Part D drug plan**, contact the Centers for Medicaid and Medicare Services at 1-800-MEDICARE (1-800-633-4227).
- If your complaint involves a **workers' compensation claim**, contact the Workers' Compensation Claims Assistance Bureau (406) 444-1574.
- If your complaint involves a **federal health or life insurance plan**, contact the U.S. Office of Personnel Management at (202) 606-1800.
- If you are insured through the **U.S. military** and a Montana resident, contact TRICARE 1-888-874-9378.
- If you bought your policy in **another state**, contact that state's insurance commissioner's office.
- If you are covered by a **self-funded employer health plan**, contact the U.S. Department of Labor at 1-866-444-3272 or your employer.



Troy Downing

CSI

Commissioner of Securities and Insurance

CONTACT US

Troy Downing
Commissioner of Securities & Insurance
Office of the Montana State Auditor

840 Helena Avenue, Helena, MT 59601

Consumer Hotline

406-444-2040

(Outside Helena)

1-800-332-6148

Fax: 406-444-3497

TDD Phone: 406-444-3246

E-mail: csi@mt.gov

www.csimt.gov