

6. Upon contact by the Department, Respondent agreed to pay for the title and registration fees for the individual consumer. Respondent indicated that its position was that claimants should submit receipts for the title and registration fees after the replacement vehicle had been obtained and registered and should then request reimbursement for those fees from Respondent. Respondent indicated that rather than add the fees to the settlement they would reopen the claim file if the consumer contacted them after replacing the vehicle. Respondent was not able to provide any notice to consumers that this was the manner in which the fee portion of the claim would be satisfied.

7. Respondent's records indicated that it had settled three hundred and thirty (330) automobile total loss claims between February of 2014 (when the changes to Insurance Regulation 73 went into effect) and March 2015. Of these three hundred and thirty (330) claims, fees were paid on two (2) claims.

8. The Department contends that failure to pay the fees with the claim or notify consumers of the requirement that documentation be submitted when a comparable vehicle was registered is a violation of R.I. Gen. Laws § 27-9.1-4(1), (3), (4), (8), (12) and (13) and Insurance Regulation 73.

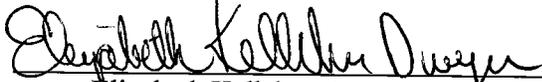
THEREFORE, based on the foregoing, Respondent and the Department have decided to resolve this matter without further administrative proceedings and hereby agree to the following resolution:

1. Respondent will pay to each of the three hundred and twenty-five (328) claimants identified an amount representing the fees incidental to transfer of ownership of a replacement vehicle in a total loss cash settlement.

2. Respondent agrees that such fees will be paid on all total loss settlements in the future in accordance with Insurance Regulation 73.
3. Respondent will pay a fine of \$15,000.

Counsel for the Department and Respondent hereby consent and agree to the foregoing on behalf of their respective clients the 27th day of September 2015.

Department of Business Regulation
By its Legal Counsel,


Elizabeth Kelleher Dwyer, Esq.

American Commerce Insurance Company
By its attorney,


Barbara Law, Esq.