

§ 544.5

a motor vehicle with one or more major parts still attached to the superstructure, after that vehicle has been stolen.

(10) *Recovery-in-part* means a recovery in which one or more of the recovered vehicle's major parts is missing at the time of recovery.

(11) *Recovery intact* means a recovery with none of the recovered vehicle's major parts missing at the time of recovery, and with no apparent damage to any part of the motor vehicle other than those parts damaged in order to enter, start, and operate the vehicle, but with additional mileage and ordinary wear and tear.

(12) *Recovery-in-whole* means a recovery with none of the recovered vehicle's major parts missing at the time of recovery, but with apparent damage to some part or parts of the vehicle in addition to those parts damaged in order to enter, start, and operate the vehicle.

(13) *Reporting period* means the calendar year covered by a report submitted under this part.

(14) *Truck* is used as defined at § 571.3 of this chapter.

(15)(i) In the case of insurers that issue motor vehicle insurance policies, *vehicle theft* means an actual physical removal of a motor vehicle without the permission of its owner, but does not include the removal of component parts, accessories, or personal belongings from a motor vehicle which is not moved.

(ii) In the case of an insurer which has a fleet of 20 or more vehicles (other than a governmental entity) used primarily for rental or lease and not covered by theft insurance policies issued by insurers of motor vehicles, "vehicle theft" means an actual physical removal of a motor vehicle without the permission of its owner, or keeping possession of the motor vehicle without permission of its owner for a sufficient period of time so that the vehicle could have been reported as stolen to the State police in the State in which the vehicle was to have been returned. However, vehicle theft does not include the removal of component parts, acces-

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sories, or personal belongings from a motor vehicle which is not moved.

[52 FR 76, Jan. 2, 1987, as amended at 60 FR 33148, June 27, 1995; 61 FR 41987, Aug. 13, 1996; 62 FR 33756, June 23, 1997]

§ 544.5 General requirements for reports.

(a) Each insurer to which this part applies shall submit a report annually before October 25, beginning on October 25, 1986. This report shall contain the information required by § 544.6 of this part for the calendar year 3 years previous to the year in which the report is filed (*e.g.*, the report due by December 31, 2009 will contain the required information for the 2006 calendar year).

(b) Each report required by this part must:

(1) Have a heading preceding its text that includes the words "Insurer Report";

(2) Identify the insurer, including all subsidiary companies, on whose behalf the report is submitted, and the designated agent, if any, submitting the report or that will submit further documents to complete the report;

(3) Identify the State or States in which the insurer did business during the reporting period;

(4) State the full name and title of the official responsible for preparing the report, and the address of the insurer;

(5) Identify the reporting period covered by the report;

(6) Be written in the English language;

(7) Include a glossary defining all acronyms and terms of art used in the report, unless those acronyms and terms of art are defined immediately after they first appear in the report;

(8) Be submitted in three copies to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; and

(9) If the insurer wishes to submit certain information under a claim of confidentiality, be submitted in accordance with part 512 of this chapter.

[52 FR 76, Jan. 2, 1987]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 544.5 see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 75 FR 54044, Sept. 3, 2010, §544.5 was amended by revising the second sentence of paragraph (a), effective October 4, 2010. For the convenience of the user, revised text is set forth as follows:

§ 544.5 General requirements for reports.

(a) * * * This report shall contain the information required by §544.6 of this part for the calendar year 3 years previous to the year in which the report is filed (*e.g.*, the report due by October 25, 2010 will contain the required information for the 2007 calendar year).

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§ 544.6 Contents of insurer reports.

(a)(1) In the case of insurers that issue motor vehicle insurance policies, provide the information specified in paragraphs (b) through (g) of this section for each State in which the insurer, including any subsidiary, did business during the reporting period if the insurer is listed in appendix A, or for each State listed after the insurer's name if the insurer is listed in appendix B.

(2) In the case of a motor vehicle rental or leasing company listed in appendix C, provide the information specified in paragraphs (c), (d)(2)(iv), and (g) of this section for each vehicle type listed in paragraph (b) of this section, for each State in which the company, including any licensee, franchisee, or subsidiary, did business during the reporting period. The information for each listed company shall include all relevant information from any licensee, franchisee, or subsidiary.

(b) For each of the following vehicle types, provide the information specified in paragraphs (c) through (g) of this section for all vehicles of that type insured by the insurer during the reporting period—

- (1) Passenger cars.
- (2) Multipurpose passenger vehicles.
- (3) Light trucks.
- (4) Heavy trucks.
- (5) Motorcycles.

(c)(1) List the total number of vehicle thefts for vehicles manufactured in the 1983 or subsequent model years, subdivided into model year, model, make, and line, for this type of motor vehicle.

(2) List the total number of recoveries for vehicles manufactured in the 1983 or subsequent model years, sub-

divided into model year, model, make, and line, for this type of motor vehicle. Beginning with the report due not later than October 25, 1987, for each of these subdivided number of recoveries, indicate how many were:

- (i) Recoveries intact;
- (ii) Recoveries-in-whole; and
- (iii) Recoveries-in-part.

(3) Explain how the theft and recovery data set forth in response to paragraphs (c) (1) and (2) of this section were obtained by the insurer, and the steps taken by the insurer to ensure that these data are accurate and timely.

(4) Explain the use made by the insurer of the information set forth in response to paragraphs (c) (1) and (2) of this section, including the extent to which such information is reported to national, public, and private entities (*e.g.*, the Federal Bureau of Investigation and State and local police). If such reports are made, state the frequency and timing of the reporting.

(d)(1) Provide the rating characteristics used by the insurer to establish the premiums it charges for comprehensive insurance coverage for this type of motor vehicle and the premium penalties for vehicles of this type considered by the insurer as more likely to be stolen. This requirement may be satisfied by furnishing the pertinent sections of the insurer's rate manual(s).

(2) Provide the loss data used by the insurer to establish the premiums it charges for comprehensive insurance coverage for this type of motor vehicle and the premium penalties it charges for vehicles of this type it considers as more likely to be stolen. This requirement may be satisfied by providing the following:

- (i) The total number of comprehensive insurance claims paid by the insurer during the reporting period;
- (ii)(A) The total number of claims listed in (d)(2)(i) of this section that arose from a theft;

(B) The insurer's best estimate of the percentage of the number listed in paragraph (d)(2)(ii)(A) of this section that arose from vehicle thefts, and an explanation of the basis for the estimate;