

**6.6.2102 RATES AND PREMIUMS; PROPERTY AND CASUALTY INSURANCE**

- (1) Rates or premiums for any property or casualty insurance policy, plan, or coverage on a risk, when the risk is resident, located, or to be performed in the state of Montana shall not be based on sex or marital status.
- (2) Factors which an insurer may take into account to determine rates or premiums for motor vehicle liability and property coverage include, but are not limited to:
  - (a) The age of the driver.
  - (b) The length of driving experience.
  - (c) The number of years licensed to operate a motor vehicle.
  - (d) A determination of which driver, among several insured individuals, is the primary driver of a covered vehicle, based upon the proportionate use of each vehicle insured under the policy by individual drivers insured or to be insured under the policy.
  - (e) Average number of miles driven over a period of time.
  - (f) Type of use, such as business, farm, or pleasure use.
  - (g) Vehicle characteristics, features, and options such as engine displacement, ability of vehicle and its equipment to protect passengers from injury, vehicle make and model, and design characteristics related to damageability of the vehicle.
  - (h) Commuting mileage over a period of time.
    - (i) The number of cars insured or number of licensed operators in the household, without regard to the sex or marital status of the licensed operators. An insurer may not utilize a policy of establishing insurance rates for an individual based upon the driving record of a spouse who is a licensed operator but not a primary driver of the vehicle to be insured unless the policy is applied in the same manner to households of individuals not married to each other.
  - (j) The amount of insurance.
  - (k) The anticipated cost of vehicle repairs or replacement, which may be measured by age, price, cost, or value of the insured automobile, and other related factors.
  - (l) Geographic location.
  - (m) The accident record of the insured, including accidents for which the insured, although not cited, was substantially at fault.
  - (n) The driving record of the insured, including citations.

(History: Sec. 33-1-313 MCA; IMP, Sec 49-2-309 MCA; NEW, 1986 MAR p. 194, Eff. 2/14/86.)