§ 33112. Insurance reports and information

(a) **Purposes.**— The purposes of this section are—

(1) to prevent or discourage the theft of motor vehicles, particularly those stolen for the removal of certain parts;

(2) to prevent or discourage the sale and distribution in interstate commerce of used parts that are removed from those vehicles; and

(3) to help reduce the cost to consumers of comprehensive insurance coverage for motor vehicles.

(b) **Definitions.**— In this section—

(1) “insurer” includes a person (except a governmental authority) having a fleet of at least 20 motor vehicles that are used primarily for rental or lease and are not covered by a theft insurance policy issued by an insurer of passenger motor vehicles.

(2) “motor vehicle” includes a truck, a multipurpose passenger vehicle, and a motorcycle.

(c) **Annual Information Requirement.**—

(1) An insurer providing comprehensive coverage for motor vehicles shall provide annually to the Secretary of Transportation information on—

   (A) the thefts and recoveries (in any part) of motor vehicles;

   (B) the number of vehicles that have been recovered intact;

   (C) the rating rules and plans, such as loss information and rating characteristics, used by the insurer to establish premiums for comprehensive coverage, including the basis for the premiums, and premium penalties for motor vehicles considered by the insurer as more likely to be stolen;

   (D) the actions taken by the insurer to reduce the premiums, including changing rate levels for comprehensive coverage because of a reduction in thefts of motor vehicles;

   (E) the actions taken by the insurer to assist in deterring or reducing thefts of motor vehicles; and

   (F) other information the Secretary requires to carry out this chapter and to make the report and findings required by this chapter.

(2) The information on thefts and recoveries shall include an explanation on how the information is obtained, the accuracy and timeliness of the information, and the use made of the information, including the extent and frequency of reporting the information to national, public, and private entities such as the Federal Bureau of Investigation and State and local police.

(d) **Reports on Reduced Claims Payments.**— An insurer shall report promptly in writing to the Secretary if the insurer, in paying a claim under an adjustment or negotiation between the insurer and the insured for a stolen motor vehicle—

(1) reduces the payment to the insured by the amount of the value, salvage or otherwise, of a recovered part subject to a standard prescribed under section 33102 or 33103 of this title; and

(2) the reduction is not made at the express election of the insured.

(e) **General Exemptions.**— The Secretary shall exempt from this section, for one or more years, an insurer that the Secretary decides should be exempted because—

(1) the cost of preparing and providing the information is excessive in relation to the size of the insurer’s business; and

(2) the information from that insurer will not contribute significantly to carrying out this chapter.
(f) **Small Insurer Exemptions.**—

(1) In this subsection, “small insurer” means an insurer whose premiums for motor vehicle insurance issued directly or through an affiliate, including a pooling arrangement established under State law or regulation for the issuance of motor vehicle insurance, account for—

(A) less than one percent of the total premiums for all forms of motor vehicle insurance issued by insurers in the United States; and

(B) less than 10 percent of the total premiums for all forms of motor vehicle insurance issued by insurers in any State.

(2) The Secretary shall exempt by regulation a small insurer from this section if the Secretary finds that the exemption will not significantly affect the validity or usefulness of the information collected and compiled under this section, nationally or State-by-State. However, the Secretary may not exempt an insurer under this paragraph that is considered an insurer only because of subsection (b)(1) of this section.

(3) Regulations under this subsection shall provide that eligibility as a small insurer shall be based on the most recent calendar year for which adequate information is available, and that, once attained, the eligibility shall continue without further demonstration of eligibility for one or more years, as the Secretary considers appropriate.

(g) **Prescribed Form.**— Information required by this section shall be provided in the form the Secretary prescribes.

(h) **Periodic Compilations.**— Subject to section 552 of title 5, the Secretary periodically shall compile and publish information obtained by the Secretary under this section, in a form that will be helpful to the public, the police, and Congress.

(i) **Consultation.**— In carrying out this section, the Secretary shall consult with public and private agencies and associations the Secretary considers appropriate.


### Historical and Revision Notes

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In subsection (b)(1), the word “authority” is substituted for “entity” for clarity and consistency in the revised title.

In subsection (c)(1), before clause (A), the words “(or their designated agents)” are omitted as surplus. The words “beginning 2 years after October 25, 1984” are omitted as executed.

In subsection (c)(2), the words “by the insurer” are omitted as surplus.

Subsection (f)(1)(B) is substituted for 15:2032(a)(5)(C)(ii) for clarity and to eliminate unnecessary words.

In subsection (f)(2), the words “the requirements of” are omitted as surplus.

In subsection (g), the words “by regulation or otherwise” are omitted as surplus.

In subsection (h), the words “the police” are substituted for “including Federal, State, and local police” to eliminate unnecessary words.

In subsection (i), the words “In carrying out this section” are added for clarity. The words “public and private agencies and associations” are substituted for “such State and insurance regulatory agencies and other agencies and associations, both public and private” to eliminate unnecessary words.