



Insurance Regulation Reflections for a Post-Crisis World

January 2012

Crisis In Insurance Regulation

Kenneth S. Abraham



Crisis In Insurance Regulation:

The Crisis in Insurance Regulation Banks McDowell, 1994-03-14 Private and governmental insurance systems in the United States have been suffering an ongoing series of crises Automobile liability insurance malpractice protection health insurance pension plans and property insurance have been troubled in recent times by such matters as the threat of insolvency extremely high premiums lack of availability for many applicants and discriminatory selling practices For over a century private insurance has been heavily regulated Governmental insurance particularly social programs such as Social Security and Medicare also face serious funding and availability problems These ongoing problems suggest that regulators have not been doing a very effective job Unhappy consumers are making different demands both on the industry and on regulators Some call for deregulation in the belief that market forces will make insurance more efficient available and affordable Others insist that governmental regulators whether legislators insurance commissioners or judges step in and help solve these problems Regulators very much a part of the political process have avoided these controversial areas of difficult choices Avoidance is no longer an option for regulators McDowell explores what competing types of regulation whether market industrial or governmental might be used what goals regulators are committed to the different regulatory philosophies of federal and state agencies whether the problems are caused by under regulation or over regulation and difficulties of enforcement He discusses in detail these regulatory problems in the fields of automobile liability insurance health insurance and the demand of other financial service institutions to compete in the insurance business Throughout the book he compares what American regulators are doing with the practices in Canada in order to illuminate problems and possible solutions for American regulators to consider Finally he closes with an analysis of whether the emerging trends of internationalization and interdependence of personal and economic spheres the increase in magnitude of risks and the increased speed of transactions will require changes in insurance regulation Insurance regulators and professionals in governmental and private insurance as well as scholars and students of insurance law will be interested in this book Even consumers who are concerned or angry about the future of their insurance protection will find it valuable [Systemic Risk and the Future of Insurance Regulation](#) Andromachi Georgosouli, Miriam Goldby, 2017-09-19 This book examines policy developments that have been occurring in the field of financial regulation and their implications for the insurance industry and markets With UK and US contributors from academia and legal practice this book will be essential reading for policy makers insurance regulators insurance and legal professionals as well as students and academics researching and studying insurance law **Perspectives on Modernizing Insurance Regulation** United States. Congress. Senate. Committee on Banking, Housing, and Urban Affairs, 2009 *University of Chicago Law Review: Volume 81, Number 4 - Fall 2014* University of Chicago Law Review, 2014-12-17 The University of Chicago Law Review s 4th issue of 2014 features articles and essays from recognized legal scholars as well as extensive student research Contents include Articles The Legal Salience of

Taxation by Andrew T Hayashi Tax Loss Mechanisms by Jacob Nussim Avraham Tabbach Regulating Systemic Risk in Insurance by Daniel Schwarcz Steven L Schwarcz American Constitutional Exceptionalism Revisited by Mila Versteeg Emily Zackin Comments Bursting the Speech Bubble Toward a More Fitting Perceived Affiliation Standard by Nicholas A Caselli Payments to Not Parent Noncustodial Parents as the Recipients of Child Support by Emma J Cone Roddy Too Small to Fail A New Perspective on Environmental Penalties for Small Businesses by Nicholas S Dufau Understanding Equal Sovereignty by Abigail B Molitor Widespread Uncertainty The Exclusionary Rule in Civil Removal Proceedings by Michael J O'Brien Clogged Conduits A Defendant's Right to Confront His Translated Statements by Casen B Ross Integral Decisionmaking Judicial Interpretation of Predispute Arbitration Agreements Naming the National Arbitration Forum by Daniel A Soto Volume 81 Number 4 also features Review Essays by Lisa Bernstein Avery W Katz and Eyal Zamir analyzing three recent books on contract law and theory

Insurance Oversight United States. Congress. House. Committee on Financial Services. Subcommittee on Insurance, Housing, and Community Opportunity, 2011

Streamlining Regulation, Improving Consumer Protection, and Increasing Competition in Insurance Markets United States. Congress. Senate. Committee on Banking, Housing, and Urban Affairs. Subcommittee on Securities, Insurance, and Investment, 2013

Insurance Regulation, 2012 Financial regulation is complex and has a profound impact on the way capital markets and financial systems operate But regulation is always heavily influenced by political and social factors and reflects the interests of a variety of stakeholders The insurance industry proved to be extremely resilient during the recent crisis and hence should be more a source of positive examples and solutions for other industries than be subject to regulatory rules invented for different institutions and industries such as banking The future size and shape of the international regulatory architecture for the insurance industry will become much clearer in 2012 and the discussions on that process are reaching a critical juncture The papers included in this publication are key analyses and considerations for this crucial period for the future of the insurance industry and highlights some of the concepts that will be crucial in informing the debates that will prove to be so important Back of book cover

Modernizing Insurance Regulation John H. Biggs, Matthew P. Richardson, 2014-03-25 The future of the insurance regulation begins now For those involved with the insurance industry from investment professionals to policy makers and regulators to legislators tremendous change is coming With insurance premiums constituting an ever growing portion of annual U S GDP and provisions of the Dodd Frank Act specifically calling for modernization of insurance regulations the issues at hand are pervasive In Modernizing Insurance Regulation these issues are described against a backdrop of the political and industry discussions that surround insurance regulation and systemic risk Experts Viral V Acharya and Matthew Richardson discuss a variety of issues with top thinkers in the fields of finance derivatives credit risk and banking to bring to light the most germane elements of this ongoing discussion In Modernizing Insurance Regulation Acharya and Richardson call on the expertise of all the relevant stakeholders within government

academia and industry to offer a well rounded and independent view of insurance regulation and how the evolution of this key industry affects the U S economy now and in the future Provides an overview of the feasibility of maintaining a state level regulatory structure Offers a view of the issues from top academics industry leaders and state regulators Explores the debate surrounding the insurance industry and systemic risk Provides an in depth look at upcoming changes under the Dodd Frank Act Modernizing Insurance Regulation provides a look into the crucial changes coming to insurance regulation and an overview of how those changes will affect almost everyone

Insurance Regulation: Issues, Background, and Legislation in the 113th Congress Baird Baird Webel, Congressional Research Service, 2014-09-17 The individual states have been the primary regulators of insurance since 1868 Following the 1945 McCarran Ferguson Act this system has operated with the explicit blessing of Congress but has also been subject to periodic scrutiny and suggestions that the time may have come for Congress to reclaim the regulatory authority that it granted to the states In the late 1980s and early 1990s congressional scrutiny was largely driven by the increasing complexities of the insurance business and concern over whether the states were up to the task of ensuring consumer protections particularly insurer solvency Immediately prior to the recent financial crisis congressional attention to insurance regulation focused on the inefficiencies in the state regulatory system A major catalyst was the aftermath of the Gramm Leach Bliley Act of 1999 GLBA which overhauled the regulatory structure for banks and securities firms but left the insurance sector largely untouched Many larger insurers and their trade associations had previously defended state regulation but considered themselves at a competitive disadvantage in the post GLBA regulatory structure Some advocated for an optional federal charter similar to that available to banks Various pieces of insurance regulatory reform legislation were introduced including bills establishing a broad federal charter for insurance as well as narrower more targeted bills The states particularly working through the National Association of Insurance Commissioners NAIC were not idle following congressional attention They reacted quickly to GLBA requirements that related to insurance agent licensing and have since embarked on a wide ranging project to modernize insurance regulation This has included both regulatory aspects such as streamlining the process for rate and form filing and more basic legal aspects such as the creation of an interstate compact to provide uniformity across states for some life insurance products Because enactment by the state legislature is necessary before the legal changes suggested by the NAIC can take effect in that state the process typically does not move rapidly The recent financial crisis refocused the debate surrounding insurance regulatory reform Unlike many financial crises in the past insurers played a large role in this crisis In particular the failure of the large insurer American International Group AIG spotlighted sources of risk that had gone unrecognized The need for a systemic risk regulator for the entire financial system was a common thread in many of the post crisis financial regulatory reform proposals The Dodd Frank Wall Street Reform and Consumer Protection Act P L 111 203 enacted following the crisis gave enhanced systemic risk regulatory authority to the Federal Reserve and to a new Financial Services Oversight Council FSOC

including some oversight authority over insurers The Dodd Frank Act also included measures affecting the states oversight of surplus lines insurance and reinsurance and the creation of a new Federal Insurance Office FIO within the Treasury Department *Policy Issues in Insurance The Impact of the Financial Crisis on the Insurance Sector and Policy Responses* OECD,2011-01-28 This special report assesses the impact of the crisis on the insurance sector and reviews policy responses within OECD countries *Insurance Law and Regulation* Kenneth S. Abraham,1990 *The Political Economy of Regulation* Kenneth J. Meier,1988-01-01 This is the first comprehensive study of the history politics and economics of the insurance industry in the United States It is designed as a theoretical challenge to the conventional wisdom in political economy which says that regulation benefits the regulated In fact Meier shows that because the insurance industry is far too divided to impose its will on the regulatory system the political economy of regulation is actually the product of a complex interaction of industry interests consumer groups insurance regulations and political elites Using both historical and quantitative approaches the author examines a variety of insurance issues including the development of insurance regulation the impact of regulation on the availability and price of insurance the stringency of state regulation and the product liability insurance crisis of 1985 86 The book concludes with a series of recommendations for reforming the regulation of insurance

Insurance Regulation Congressional Research Service,2015-01-02 The individual states have been the primary regulators of insurance since 1868 Following the 1945 McCarran Ferguson Act this system has operated with the explicit blessing of Congress but has also been subject to periodic scrutiny and suggestions that the time may have come for Congress to reclaim the regulatory authority it granted to the states In the late 1980s and early 1990s congressional scrutiny was largely driven by the increasing complexities of the insurance business and concern over whether the states were up to the task of ensuring consumer protections particularly insurer solvency Immediately prior to the recent financial crisis congressional attention to insurance regulation focused on the inefficiencies in the state regulatory system A major catalyst was the aftermath of the Gramm Leach Bliley Act of 1999 GLBA which overhauled the regulatory structure for banks and securities firms but left the insurance sector largely untouched Many larger insurers and their trade associations had previously defended state regulation but considered themselves at a competitive disadvantage in the post GLBA regulatory structure Some advocated for an optional federal charter similar to that available to banks Various pieces of insurance regulatory reform legislation were introduced including bills establishing a broad federal charter for insurance as well as narrower more targeted bills The states particularly working through the National Association of Insurance Commissioners NAIC were not idle following congressional attention They reacted quickly to GLBA requirements that related to insurance agent licensing and have since embarked on a wider ranging project to modernize insurance regulation This has included both regulatory aspects such as streamlining the process for rate and form filing and more basic legal aspects such as the creation of an interstate compact to provide uniformity across states for some life insurance products Because enactment by the state legislature is necessary

before the legal changes suggested by the NAIC can take effect in that state the process typically does not move rapidly The recent financial crisis refocused the debate surrounding insurance regulatory reform Unlike many financial crises in the past insurers played a large role in this crisis In particular the failure of the large insurer American International Group AIG spotlighted sources of risk that had gone unrecognized The need for a systemic risk regulator for the entire financial system was a common thread in many of the post crisis financial regulatory reform proposals The Dodd Frank Wall Street Reform and Consumer Protection Act P L 111 203 enacted following the crisis gave enhanced systemic risk regulatory authority to the Federal Reserve and to a new Financial Services Oversight Council FSOC including some oversight authority over insurers The Dodd Frank Act also included measures affecting the states oversight of surplus lines insurance and reinsurance and the creation of a new Federal Insurance Office FIO within the Treasury Department Among the insurance regulatory issues addressed by legislation in the 113th Congress are the application of federal orderly liquidation authority to insurers addressed in H R 605 the supervision of some insurers by the Federal Reserve addressed in H R 2140 H R 4510 H R 5461 S 2102 and S 2270 P L 113 279 and the licensing of insurance agents and brokers addressed in S 534 S 1926 S 2244 H R 1155 H R 1064 and H R 4871 In addition various international issues may be of concern to Congress such as the European Union s Solvency II project to overhaul the European insurance regulatory system and general international standards for insurance regulation

The liability insurance crisis United States. Congress. House. Committee on Banking, Finance, and Urban Affairs. Subcommittee on Economic Stabilization,1987

The Economic Impact of a Solvency Crisis in the Insurance Industry ,1994

Economic Impact of a Solvency Crisis in the Insurance Industry Kim J. Kowalewski,Angelo Mascaro,1994-05 Examines what would happen to the economy in general collapse of markets for assets held by the insurance industry etc effects of a solvency crisis on the economy options for reducing the risks of a solvency crisis 9 tables figures

Foundations for Reconstruction. Public Employment Service. Workmen's Compensation. Health Insurance. Regulation of Women's Work. Maintenance of Protective Standards ,1918

Florida State University Law Review Florida State University. College of Law,1998

Challenges in the Regulation of Brazilian Private Health Insurance Carlos Octávio Ocké-Reis,2004

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