



FILED

OFFICE OF INSURANCE REGULATION

JAN 23 2004

KEVIN M. McCARTY
DIRECTOR

OFFICE OF
INSURANCE REGULATION
Docketed by: SP

IN THE MATTER OF:

CASE NO.: 70001-03-CO

BRISTOL WEST INSURANCE COMPANY

2002 Property and Casualty Market Conduct Examination
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CONSENT ORDER

THIS CAUSE came on for consideration as the result of an agreement between **BRISTOL WEST INSURANCE COMPANY**, (hereinafter referred to as "**BRISTOL**") and the **OFFICE OF INSURANCE REGULATION**, (hereinafter referred to as "**OFFICE**"). Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the **OFFICE**, hereby finds as follows:

1. The **OFFICE**, has jurisdiction over the subject matter of, and parties to, this proceeding.
2. **BRISTOL** is a foreign property and casualty insurer authorized to transact insurance business in Florida and is subject to the jurisdiction and regulation of the **OFFICE** pursuant to the Florida Insurance Code.
3. The **OFFICE** conducted a property and casualty market conduct examination of **BRISTOL**, pursuant to section 624.3161, Florida Statutes; in 2002, and as a result, it has been determined that **BRISTOL** has violated the following provisions of the Florida Insurance Code and/or the Florida Administrative Code, to wit:

Private Passenger Automobile

Rule 4-125.004, F.A.C., Failure to Comply with Credit Report/Scoring Requirements.

Section 627.318, F.S., Failure to Maintain Records.

Cancellations/Nonrenewals

Section 627.728, F.S., Failure to Provide Reasons for Policy Cancellations.

Complaints

Section 626.9541, F.S., Failure to Comply with Unfair Trade Practice Requirements: Claims Delays.

Section 626.9541, F.S., Failure to Comply with Unfair Trade Practice Requirements: Misrepresenting Information Pertaining to a Claim.

Section 627.4137 F.S., Failure to Timely Disclose Information.

4. The **OFFICE** and **BRISTOL** expressly waive a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the **OFFICE**, and all further and other proceedings herein to which the parties may be entitled by law. **BRISTOL** hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order, in any forum now available, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

5. **BRISTOL** agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

(a) **BRISTOL** shall pay a administrative penalty of \$24,500 and costs of \$2,000 on or before the 30th day after this Consent Order is executed.

(b) **BRISTOL** shall henceforth comply with all of the provisions of the Florida Insurance Code and the Florida Administrative Code.

(c) **BRISTOL** is hereby placed on notice of the requirements of the above referenced sections of law and agrees that any future violations of these sections by **BRISTOL** may be deemed willful, subjecting **BRISTOL** to appropriate penalties.

(d) **BRISTOL** shall implement procedures to advise any insured whose policy premium has been adversely affected by a credit report/score of the adverse effect and the means by which the insured can obtain a copy of the credit report/score.

(e) **BRISTOL** shall implement a procedure to allow fully documented files to be obtained and provided to the **OFFICE** in a timely manner.

(f) **BRISTOL** shall stop canceling any private passenger automobile insurance policy in effect for more than sixty (60) days for reasons other than nonpayment of premium, material misrepresentation, fraud, or suspension of the driver's license or motor vehicle registration of the named insured or any other operator who either resides in the same household or customarily operates a vehicle insured by **BRISTOL**.

6. **BRISTOL** agrees that the failure to adhere to one or more of the above terms and conditions of this Consent Order shall constitute a violation of a lawful order of the **OFFICE**, and shall subject **BRISTOL** to such administrative action as the **OFFICE** may deem appropriate.

7. Except as noted above, each party to this action shall bear its own costs and attorney's fees.

8. **THEREFORE**, the agreement between **BRISTOL** and the **OFFICE**, the terms and conditions of which are set forth above, is approved.

FURTHER, all terms and conditions above are hereby ORDERED.

DONE AND ORDERED this 23RD day of JANUARY 2004.



KEVIN M. McCARTY, DIRECTOR
OFFICE OF INSURANCE REGULATION

By execution hereof, BRISTOL WEST INSURANCE COMPANY consents to entry of this Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind BRISTOL WEST INSURANCE COMPANY to the terms and conditions of this Consent Order.

BRISTOL WEST INSURANCE COMPANY

Corporate Seal

By: Gregory J. Hommond

Title: CORPORATE COUNSEL

Date: JANUARY 8, 2004

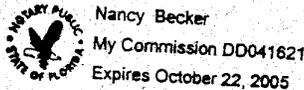
On January 8, 2004 before me, Gregory J. Hommond, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or the entity upon whose behalf the person acted, executed the instrument.

Subscribed and sworn to before me this 8 day of January, 2004

Signature Nancy Becker
(Signature of Notary Public)

[NOTARIAL SEAL]

My Commission Expires:



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