



DOMESTIC AND FOREIGN INSURERS BULLETIN NO. 143

TO: ALL INSURANCE CARRIERS AUTHORIZED TO TRANSACT BUSINESS IN DELAWARE

RE: PROHIBITION ON USE OF CERTAIN FACTORS IN UNDERWRITING PRIVATE INSURANCE

DATED: October 11, 2023

The purpose of this bulletin is to inform insurance carriers that the Governor signed [Senate Bill 184](#) (the “Act”) of the 152nd General Assembly on September 14, 2023. Any policies issued or renewed after September 14, 2024 must conform with the Act.

Background

The purpose of the Act is to prohibit certain underwriting and rating factors that appear to be neutral but may have unintentional disparate impact on protected classes.

The Act amends [18 Del. C. § 2304](#) and [18 Del. C. § 3904](#) and prohibits insurers from using data related to the following when underwriting homeowners and private passenger motor vehicle insurance:

- Non-pending arrests, charges, or indictments that do not result in conviction.
- Convictions, arrests, charges, or indictments that do not relate in any way to either fraud or to the type of risk being insured or evaluated for the insurance being sought.
- Suspension or revocation of a driver’s license when the suspension or revocation is for nondriving-related reasons unless otherwise permitted.

Questions, comments, or requests for clarification about this Bulletin should be emailed to compliance@delaware.gov.

This Bulletin shall be effective immediately and shall remain in effect unless withdrawn or superseded by subsequent law, regulation or bulletin.

Trinidad Navarro
Delaware Insurance Commissioner

NOTE: This Bulletin is intended solely for informational purposes. It is not intended to set forth legal rights, duties, or privileges, nor is it intended to provide legal advice. Readers should consult applicable statutes and rules and contact the Delaware Department of Insurance if additional information is needed.

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