



STATE OF CONNECTICUT
INSURANCE DEPARTMENT

BULLETIN IC-35
December 5, 2014

**TO: ALL INSURANCE COMPANIES LICENSED TO WRITE AUTOMOBILE
COVERAGE IN CONNECTICUT AND THIRD-PARTY CLAIMS
ADMINISTRATORS, AGENTS, AND ADJUSTERS FOR SUCH COMPANIES**

RE: CONNECTICUT GENERAL STATUTES §§ 38a-354 AND 38a-354a

The Connecticut Insurance Department (the "Department") and the Office of the Attorney General wish to bring to the attention of all insurance companies licensed to write automobile coverage in Connecticut and third-party claims administrators for such companies, a recent decision of the United States Court of Appeals for the Second Circuit, *Safelite Group, Inc. v. Jepsen et al.*, No. 13-4761-CV, 2014 WL 4358418 (2d Cir. Sept. 4, 2014). The Court ordered a preliminary injunction against enforcement of Public Act 13-67(c)(2) (now codified as Connecticut General Statutes § 38a-354a(c)(2)) on grounds that the provision likely violates the First Amendment of the United States Constitution. As a result of the Second Circuit's decision and order, the Department will not enforce the provisions of Connecticut General Statutes § 38a-354a(c)(2) until further notice by the Department.

The Department also wishes to bring to the attention of all insurance companies licensed to write automobile coverage in Connecticut and third-party claims administrators, agents, and adjusters for such companies the Department's view, in consultation with the Office of the Attorney General, of Public Act 13-67(b)(2) (now codified as Connecticut General Statutes section 38a-354a(b)(2)) and existing section 38a-354(b)(2). The Department does not interpret either provision as prohibiting an insurance company, third-party claims administrator, agent, or adjuster from accurately and truthfully informing consumers about the provisions and terms of consumers' policies (including any provisions or terms not included in consumers' policies) or any programs offered (or not offered) by the insurer, including, but not limited to, the existence (or non-existence) of a guarantee provided for under consumers' policies for automotive repair work, including automotive glass repair work, done at a facility or shop participating in a repair program established by the insurance company.

A handwritten signature in blue ink, appearing to read "Thomas B. Leonardi", written over a horizontal line.

Thomas B. Leonardi
Insurance Commissioner