# California Consumer

THE NEWSLETTER OF THE CONSUMER FEDERATION OF CALIFORNIA



CFC charged bias against women, the unmarried, and working-class motorists through inflated coverage.

GEICO agreed to pay \$6 million and change its business practices to settle Consumer Federation of California (CFC) allegations that the insurance giant violated civil rights and insurance laws by targeting women and unmarried, lower-income motorists with deceptive and inflated automobile insurance rate quotes.

"This is an important win for all California motorists," said CFC Executive Director Richard Holober. "GEICO is paying a price for its unfair practices, and the settlement assures that all good drivers are treated equally, whether rich, poor, or in between. It sets a new industry standard for rate quotes that are accurate and transparent."

Insurance Commissioner Dave Jones approved the settlement, announced August 25, after the California Department of Insurance (CDI) mediated talks between CFC and GEICO. The Insurance Code does not allow refunds to consumers who may have been overcharged, so

GEICO's payment goes to the state. GEICO will have to pay an additional \$6 million if CDI audits find that it is violating the settlement terms in the next three years.

CFC's extensive testing of GEI-CO's online rate quote system showed that lower-income drivers eligible for good-driver discounts were quoted coverage packages as much as 1000% *higher* than the minimum that they qualified for under state law; the quote appeared under a banner proclaiming the package the "Lowest Limits" that the company could offer.

Good drivers singled out for these inflated quotes are motorists who have all of these characteristics: less than a four-year college degree; not working in a professional or executive job; not currently insured; and unmarried or women. This violated Proposition 103's requirement to make minimum coverage policies available to all good drivers, and was unlawful discrimination under California's Unruh Civil Rights Act.

Inside This Issue: 2015 CONSUMER SCORECARD For State Lawmakers

### CFC Saved Drivers \$15M On Insurance In 2015

Hartford, Safeco rate hike plans sharply reduced.

In addition to our win against GEI-CO, CFC already saved more than 332,000 drivers more than \$15 million through challenges to insurance rate hikes that are paying off in 2015 and beyond. (It is difficult to calculate potential motorists' savings resulting from the GEICO settlement. CFC estimated that it may reach several million dollars annually.) More savings are expected from a homeowners insurance rate challenge now underway.

Hartford and Safeco had both sought to boost auto insurance rates by almost 7%, but CFC challenged the companies' rate hike proposals under Proposition 103, the 1988 ballot measure that curbed insurance companies' power to raise rates at will, leading state Insurance Commissioner Dave Jones to cut the hikes by 40% and 50% respectively.

In January, CFC and Consumer Watchdog (CW) challenged a bid by State Farm to charge its 1.7 million homeowner and renter policyholders in the state an extra \$125 million. In a hearing before the Department of Insurance, CFC and CW actuaries have testified that, under Prop 103, State Farm should actually *decrease* current rates by almost \$100 million.

# 2015 Scorecard Rates State Lawmakers

CFC's 2015 Consumer Scorecard rates lawmakers on the votes they cast on key issues, including privacy; sales of unrepaired used cars under recall; toxic flame retardants in children's products; elder abuse; secret recording of phone calls by businesses; child safety; truth in advertising; workers' rights and the minimum wage; and reform of the California Public Utilities Commission. (See bill summaries below.)

The Assembly as a whole posted an average pro-consumer score of 55 percent, and the Senate's average was 66 percent. Democrats averaged a 68 percent score in the Assembly, and 82 percent in the Senate. Republicans averaged 32 percent in the Assembly, and 35 percent in the Senate.

None of the 52 Assembly Democrats, and just one of the 26 Senate Democrats, earned a perfect score of 100 percent.

No Republican in either house exceeded a 57 percent proconsumer score.

We graded non-votes as well as votes that were cast. When a lawmaker was in attendance but chose not to vote, his or her grade was based on that decision's effect on the bill's outcome.

CFC also assigns a Right or Wrong grade when a lawmaker introduces a key consumer bill or requests committee action on a matter of importance to the CFC, but does not have occasion to actually vote on the bill or action.

Also included in the scorecard are "lifetime" percentages, based on CFC scorecards issued each year and representing the key consumer votes by a lawmaker throughout his or her tenure in the Legislature.

### **Key Consumer Rights Bills**

Bill / CFC Position	Summary and Outcome
AB 282 (Eggman) / SUPPORT	Would have prohibited the sale of dangerous corded window coverings in California and prohibited their use in child day care centers. Held by author in Senate Business, Professions and Economic Development Committee
AB 287 (Gordon) / OPPOSE	Would have immunized auto dealers who sold unrepaired used automobiles under open safety recalls. Held by author before Senate Transportation and Housing Committee
AB 312 (Jones) / OPPOSE	Would have weakened California's truth in advertising laws by allowing companies to use foreign components in products that bear a "Made in the USA" label. Held by author in Senate Judiciary Committee
AB 465 (Hernández) / SUPPORT	Would have made mandatory binding arbitration clauses within most personal employment contracts unenforceable if acceptance of the clause was a condition of employment. <i>Vetoed</i>
AB 601 (Eggman) / SUPPORT	Would have required the disclosure of ownership and license information of residential care facilities for the elderly so that regulators could crosscheck that information with other sources to guard against elder abuse and neglect. Failed passage in Senate Appropriations Committee
AB 886 (Chau) / SPONSOR	Would have prohibited transportation network companies such as Uber and Lyft from collecting personal passenger information unless it was necessary for the company to provide their service. Failed passage in Assembly Utilities and Commerce Committee
AB 925 (Low) / OPPOSE	Would have allowed businesses to secretly record phone calls with customers. Failed passage in Assembly Appropriations Committee
SB 3 (Leno) / SUPPORT	Would have increased the state minimum wage to \$11 an hour on January 1, 2016, and to \$13 an hour on July 1, 2017. Held in Assembly Appropriations
SB 501 (Wieckowski) / SUPPORT	Limits the percentage of a low- or moderate-income employee's paycheck that can be garnished so as to allow employee's family sufficient income to meet basic needs. Signed into law
SB 633 (Hill) / OPPOSE	Similar to AB 312 (Jones), this bill weakens California's truth in advertising laws by allowing companies to use foreign components in products that bear a "Made in the USA" label. Signed into law
SB 648 (Mendoza) / SPONSOR	Would have required agencies making referrals to elder care facilities to obtain a license, disclose fee arrangements, and protect consumer information and privacy. Failed passage through Senate Appropriations Committee
SB 660 (Leno) / SUPPORT	Would have eliminated the extraordinary power of the California Public Utilities Commission President and imposed restrictions on private meetings between utilities and regulators. <i>Vetoed</i>
SB 763 (Leno) / CO-SPONSOR	Would have required a label stating whether or not home furnishing products for infants and toddlers contain toxic flame retardant chemicals. <i>Held by author in Assembly Appropriations</i>

## 2015 Consumer Scorecard for State Lawmakers: Assembly

<u>×</u>		ŧ,	ong						ن	AB 925 5/5 Public Safety	Emp.					& T.M.		
Assembly Member	-≤-	Total Right	Total Wrong	AB 282 6/3 Floor	AB 287 6/2 Floor	AB 312 5/22 Floor	AB 465 8/27 Floor	<b>AB 601</b> 9/3 Floor	AB 886 4/20 U. & O	<b>AB 925</b> 5/5 Public	SB 3 7/8 Lab. & E	<b>SB 501</b> 9/9 Floor	<b>SB 633</b> 7/16 Floor	<b>SB 660</b> 9/10 Floor	SB 763 7/7 B. & P.	SB 763 7/14 E.S. 8	மு	Lifetime Score
Ass	Party	Tota	Tota	AB 6/3 F	AB 6/2 F	AB :	AB 4	AB 9/3 F	AB 8	AB 5/5	SB 3 7/8 La	SB 9/9 F	SB (	SB 9/10	SB 17/7	SB //14	2015 Score	Life
Achadjian	REP	3	6	W	W	W	W	R	W			R	W	R			33%	30%
Alejo	DEM	6	2	R	W		R	R				R	W	R		R	75%	89%
Allen, T.	REP	2	6	W	W	W	W	R				W	W	R			25%	30%
Atkins	DEM	6	2	R	W	R*	R	R				R	W	R			75%	89%
Baker	REP	4	5	W	W	W	W	R				R	W	R	R		44%	44%
Bigelow	REP	2	6	W	W	W	W	R				W	W	R			25%	27%
Bloom	DEM	7	2	R	W	R*	R	R				R	W	R	R		78%	88%
Bonilla	DEM	6	4	R	W	W	R	R	W*			R	W	R	R		60%	79%
Bonta	DEM	6	2	R	R*	W	R	R				R	W	R			75%	83%
Brough	REP	2	6	W	W	W	W	R				W	W	R			25%	25%
Brown	DEM	5	3	R	W	R*	W*	R				R	W	R			63%	74%
Burke	DEM	6	3	R	W	R	R	R	W			R	W	R			67%	67%
Calderon	DEM	5	3	R	W	W	R	R				R	W	R			63%	76%
Campos	DEM	7	2	R	W	R	R	R				R	W	R	R		78%	89%
Chang	REP	4	5	W	W	W	W	R				R	W	R	R		44%	44%
Chau	DEM	6	3	R	W	W	R	R	R**			R	W	R			67%	84%
Chávez	REP	3	5	W	R*	W	W	R				W*	W	R			38%	30%
Chiu	DEM	6	2	R	W	R	R	R				R	W	R			75%	75%
Chu	DEM	6	3	R	W	W	R	R			R	R	W	R			67%	67%
Cooley	DEM	4	4	R	W	W	W	R				R	W	R			50%	72%
Cooper	DEM	6	2	R	W	R	R	R				R	W	R			75%	75%
Dababneh	DEM	5	3	R	W	W	R	R				R	W	R			63%	76%
Dahle	REP	3	7	W	W	W	W	R	W			W	W	R		R	30%	32%
Daly	DEM	5	3	R	W	W	R	R				R	W	R			63%	65%
Dodd	DEM	6	3	R	W	W	R	R				R	W	R	R		67%	67%
Eggman	DEM	7	3	R	W	R*	R	R	W*			R	W	R	R		70%	85%
Frazier	DEM	4	3	R	W	W		R				R	W	R			57%	65%
Gaines, B.	REP	2	6	W	W	W	W	R				W	W	R			25%	21%
Gallagher	REP	4	5	W	W	W	W	R				R	W	R		R	44%	44%
Garcia, C.	DEM	6	3	R	W	R*	R	R	W*			R	W	R			67%	81%
Garcia, E.	DEM	5	3	R	W	W	R	R				R	W	R			63%	63%
Gatto	DEM	7	2	R	W	R	R	R				R	W	R	R		78%	86%
Gipson	DEM	6	2	R	W	R*	R	R				R	W	R			75%	75%
Gomez	DEM	6	2	R	W	R*	R	R				R	W	R			75%	78%
Gonzalez	DEM	8	1	R	W	R	R	R				R	R*	R		R	89%	92%
Gordon	DEM	5	3	R	W	W	R	R		W		R		R			63%	84%
Gray	DEM	6	3	R	W	R	W	R				R	W	R		R	67%	65%

#### **LEGEND**

- **R** = Right, voted for consumers.
- R\* = Present and did not vote or unexcused absence, same as voting in favor of consumers.
- R\*\* = Author of CFC supported or sponsored bill but did not get a chance to vote; scored as a vote for consumers.
- **W** = Wrong, voted against consumers.

- Present and did not vote or unexcused absence; same as voting against consumers.
- **W\*\*** = Author of CFC-opposed bill but did not get a chance to vote; scored as a vote against consumers.
- Excused absence, not a member of committee, or not a member of the Legislature at the time the vote was cast.

# **2015 Consumer Scorecard: Assembly (continued)**

			<b>D0</b>							ety	-i							
Assembly Member	Party	Total Right	Total Wrong	AB 282 6/3 Floor	<b>AB 287</b> 6/2 Floor	AB 312 5/22 Floor	AB 465 8/27 Floor	<b>AB 601</b> 9/3 Floor	AB 886 4/20 U. & C.	AB 925 5/5 Public Safety	<b>SB 3</b> 7/8 Lab. & Emp.	<b>SB 501</b> 9/9 Floor	SB 633 7/16 Floor	<b>SB 660</b> 9/10 Floor	SB 763 7/7 B. & P.	<b>SB 763</b> 7/14 E.S. & T.M.	<b>2015</b> Score	Lifetime Score
Grove	REP	3	5	M 6 A	R*	M 57 A	M %	<b>R</b> 8		 5 A	<b>8</b> %	W	W >	<b>∞</b> &	 ⊠ ≽	 ≅ ≽	38%	18%
Hadley	REP	3	6	W	W	W	W	R	W			R	W	R			33%	33%
Harper	REP	2	7	W	W	W	W	R			W	W	W	R			22%	22%
Hernández	DEM	7	3	R	W	W	R	R	R		R	R	W	R			70%	83%
Holden	DEM	6	3	R	W	W	R	R				R	W	R	R		67%	83%
Irwin	DEM	5	3	R	W	R	W	R				R	W	R			63%	63%
Jones	REP	2	8	W	W	W	W	R	W			W	W	R	W*		20%	14%
Jones-Sawyer	DEM	5	4	R	W	W	R	R		W		R	W	R			56%	77%
Kim	REP	2	6	W	W	W	W	R				W	W	R			25%	25%
Lackey	REP	4	5	W	W	W	W	R		R		R	W	R			44%	44%
Levine	DEM	5	3	R	W	W	R	R				R	W	R			63%	72%
Linder	REP	3	5	W	W	W	W	R				R	W	R			38%	33%
López	DEM	6	2	R	W	R	R	R				R	W	R			75%	75%
Low	DEM	7	3	R	W	R	R	R		W	R	R	W	R			70%	70%
Maienschein	REP	4	4	R	W	W	W	R				R	W	R			50%	48%
Mathis	REP	2	6	W	W	W	W	R				W	W	R			25%	25%
Mayes	REP	3	5	W	W	W	W	R				R	W	R			38%	38%
McCarty	DEM	7	3	R	W	W	R	R			R	R	W	R		R	70%	74%
Medina	DEM	6	2	R	W	R*	R	R				R	W	R			75%	76%
Melendez	REP	3	6	W	W	W	W	R		R		W	W	R			33%	33%
Mullin	DEM	6	3	R	W	W	R	R				R	W	R	R		67%	79%
Nazarian	DEM	5	3	R	W	W	R	R				R	W	R			63%	83%
Obernolte	REP	2	6	W	W	W	W	R				W	W	R			25%	25%
O'Donnell	DEM	5	2	R	W		R	R				R	W	R			71%	71%
Olsen	REP	2	5	W	W		W	R				W	W	R			29%	17%
Patterson	REP	1	9	W	W	W	W	W*	W		W	W	W	R			10%	21%
Perea	DEM	4	4	R	W	W	R	W*				R	W	R			50%	60%
Quirk	DEM	5	5	R	W	W	R	R	W*	W		R	W	R			50%	69%
Rendon	DEM	8	1	R	W	R	R	R	R			R	R*	R			89%	88%
Ridley-Thomas	DEM	3	5	W*	W	W	R	R				W*	W	R			38%	41%
Rodriguez	DEM	6	2	R	W	R*	R	R				R	W	R			75%	88%
Salas	DEM	5	3	R	W	R	R	R				W	W	R			63%	72%
Santiago	DEM	7	3	R	W	R*	R	R	R	W		R	W	R			70%	70%
Steinorth	REP	3	5	W	W	W	W	R				R	W	R			38%	38%
Stone, M.	DEM	6	2	R	W	R	R	R				R	W	R			75%	88%
Thurmond	DEM	5	4	W*	W	W	R	R			R	R	W	R			56%	56%
Ting	DEM	8	3	R	W	R	R	R	W*			R	W	R	R	R	73%	85%
Wagner	REP	3	5	W	W	W	W	R				R	W	R			38%	18%
Waldron	REP	2	5	W	W		W	R				W	W	R			29%	29%
Weber	DEM	5	2	R	W		R	R				R	W	R			71%	78%
Wilk	REP	3	6	W	W	W	W	R				R	W	R	W*		33%	32%
Williams	DEM	8	1	R	R*	R	R	R	R			R	W	R			89%	93%
Wood	DEM	6	3	R	W	R*	W*	R				R	W	R	R		67%	67%

# 2015 Consumer Scorecard for State Lawmakers: Senate

			200											
<b>J</b> 0		Right	Total Wrong	5 00r	- a	<b>.</b>	1 00r	3 00r	8 salth	SB 648 4/28 Judiciary	0	e 5		ne
Senator	Party	Total Right	rotal V	AB 465 8/24 Floor	<b>AB 601</b> 9/2 Floor	SB 3 6/1 Floor	<b>SB 501</b> 9/10 Floor	SB 633 8/17 Floor	<b>SB 648</b> 4/15 Health	<b>SB 648</b> 4/28 Judic	<b>SB 660</b> 9/11 Floor	<b>SB 763</b> 6/3 Floor	2015 Score	Lifetime Score
Allen, B.	DEM	6	1	R	R	R	R	W			R	R	86%	86%
Anderson	REP	2	6	W	R	W	W	W		W	R	W	25%	19%
Bates	REP	2	5	W	R	W	W	W			R	W	29%	29%
Beall	DEM	5	2	R	W*	R	R	W			R	R	71%	93%
Berryhill	REP	2	5	W	R	W	W	W			R	W	29%	16%
Block	DEM	6	1	R	R	R	R	W			R	R	86%	92%
Cannella	REP	4	3	W	R	W	R	W			R	R	57%	33%
de León	DEM	6	1	R	R	R	R	W			R	R	86%	93%
Fuller	REP	2	5	W	R	W	W	W			R	W	29%	17%
Gaines, T.	REP	3	3	W	R	W	W				R	R	50%	22%
Galgiani	DEM	4	3	W*	R	W*	R	W			R	R	57%	57%
Glazer	DEM	4	3	W	R	W*	R	W			R	R	57%	57%
Hall	DEM	7	1	R	R	R	R	W	R		R	R	88%	73%
Hancock	DEM	6	1	R	R	R	R	W			R	R	86%	98%
Hernandez	DEM	7	1	R	R	R	R	W	R		R	R	88%	77%
Hertzberg	DEM	7	1	R	R	R	R	W		R	R	R	88%	88%
Hill	DEM	6	1	R	R	R	R	W			R	R	86%	86%
Hueso	DEM	6	1	R	R	R	R	W			R	R	86%	81%
Huff	REP	2	5	W	R	W	W	W			R	W	29%	16%
Jackson	DEM	7	1	R	R	R	R	W		R	R	R	88%	99%
Lara	DEM	5	2	R	R	R	W*	W			R	R	71%	85%
Leno	DEM	7	1	R	R	R	R	W		R	R	R	88%	99%
Leyva	DEM	6	1	R	R	R	R	W			R	R	86%	86%
Liu	DEM	6	1	R	R	R	R	W			R	R	86%	94%
McGuire	DEM	6	1	R	R	R	R	W			R	R	86%	86%
Mendoza	DEM	8	0	R	R	R	R	R*	R**		R	R	100%	86%
Mitchell	DEM	7	1	R	R	R	R	W	R		R	R	88%	88%
Monning	DEM	8	1	R	R	R	R	W	R	R	R	R	89%	96%
Moorlach	REP	2	5	W	R	W	W	W			R	W	29%	29%
Morrell	REP	2	5	W	R	W	W	W			R	W	29%	16%
Nguyen	REP	4	4	W	R	W	R	W	W		R	R	50%	50%
Nielsen	REP	2	6	W	R	W	W*	W	W		R	W	25%	20%
Pan	DEM	7	1	R	R	R	R	W	R		R	R	88%	87%
Pavley	DEM	6	1	R	R	R	R	W			R	R	86%	96%
Roth	DEM	5	3	W*	R	W	R	W	R		R	R	63%	75%
Runner	REP	2	4	W	R	W	W				R	W	33%	12%
Stone, J.	REP	2	5	W	R	W	W	W			R	W	29%	29%
Vidak	REP	3	4	W	R	W	W	W			R	R	43%	33%
Wieckowski	DEM	7	1	R	R	R	R	W		R	R	R	88%	92%
Wolk	DEM	6	2	W*	R	R	R	W	R		R	R	75%	90%

#### **ABOUT US**

The Consumer Federation of California (CFC) is a nonprofit advocacy organization. Since 1960, CFC has been a powerful voice for consumer rights, campaigning for state and federal laws that place consumer protection ahead of corporate profit. Each year, CFC testifies before the California Legislature on dozens of bills that affect millions of our state's consumers, and appears before state agencies in support of consumer regulations.

Contributions are not tax deductible.

#### **KEEP IN TOUCH**

Consumer Federation of California 1107 9th Street, Suite 625 Sacramento, CA 95814 Phone: (916) 498-9608 Fax: (916) 498-9611 Email: mail@consumercal.org Website: www.consumercal.org

Jim Gordon, President

**Richard Holober**, Executive Director **Brian Taylor**, Newsletter Editor



Non-Profit Org U.S. Postage

PAID

Sacramento, CA Permit No. 1691

### Secret Deals Behind Vetoes Of CPUC Reforms? By Richard Holober



Five years after eight people died, 58 suffered injuries and 38 homes in San Bruno were demolished in the explosion of a poorly maintained

PG&E pipeline, Governor Brown finally spoke out on collusion between utilities and the Public Utilities Commission: The Governor vetoed SB 660 (Leno and Hueso) and four other bills designed to restore the CPUC's purpose as a public watchdog. Facile veto messages urged the bills' authors to work with Brown's staff to bring back truncated reforms next year – ignoring the many amendments that Senators Leno and Hueso had accepted based on input from the Governor's top legislative aides.

Among other things, SB 660 would have restricted private, off the record "ex parte" communications between commissioners or CPUC executive staff and the industries they regulate – such as:

- A secret meeting in Warsaw, Poland, between former CPUC President Peevey and a Southern California Edison executive; that one cost electric consumers \$3.2 billion for the shutdown of the San Onofre nuclear power plant.
- Or Mr. Peevey's request (only made public thanks to a City of San Bruno lawsuit) that PG&E donate \$3 million to defeat a ballot initiative Governor Brown opposed, in exchange for overruling a CPUC judge's denial of PG&E's bid to saddle customers for \$26 million in energy conservation measures. (Peevey sweetened PG&E's funding request to \$29 million, in effect charging utility ratepayers for the \$3 million contribution and then PG&E shorted Peevey, giving the campaign only \$500,000 and pocketing a \$28.5 million windfall).

The consensus behind CPUC reform is underscored by the unanimous, bipartisan support that SB 660 and three other CPUC reform bills received in the state Senate and Assembly. A fifth bill had unanimous support in the Assembly and just one Senator voting No.

The Governor's vetoes are all the more curi-

ous given the utilities' silence on SB 660 and the other bills. PG&E, Sempra (parent company of San Diego Gas & Electric and Southern California Gas Co.) and SCE did not publicly oppose any of the bills as they worked their way through the Legislature and onto the Governor's desk.

The Governor maintained his silence on CPUC scandals — despite FBI raids of CPUC leaders' homes and seizures of their computers and files in an ongoing investigation of possible crimes. No comment from the Governor on regulators' failures that cost eight lives and billions in unfair consumer bills. Utter silence... followed by vetoes.

The Governor's Chief of Staff is Nancy McFadden, formerly PG&E's senior vice president. His Cabinet Secretary is Dana Williamson, formerly PG&E's director of public affairs. Is it possible that the same secret, behind-the-scenes influence peddling that turned the CPUC into an industry lapdog is alive and well inside the Governor's Office?

We hope not, but to date Jerry Brown is not part of the solution. Overdue reform should not require another legislative year. Urgency legislation should be placed on the Governor's desk and signed in January 2016, to take effect immediately.