2. REFERRALS TO COMPANY

Rule **2.** is replaced by the following:

**A.** Refer to company for:

**1.** Any applicable rating plan modification.

**2.** Rating or classifying any risk or exposure for which there is no manual rate or applicable classification. Rates shall not be inadequate, excessive or unfairly discriminatory. (For other refer-to-company situations, see Rule 34.)

Virginia Statute 38.2 – 1906 requires all rates and rating factors to be filed prior to usage unless they are exempted by specific Administrative Order of the Commissioner. The Virginia Bureau of Insurance deems this to include rates and rating factors designated by the manual as "refer to company". Each company is responsible for filing its own rates and factors and complying with regulatory requirements.

**B.** The Virginia Bureau of Insurance, under Administrative Order No. 11888 (2/9/2011), has suspended the filing requirements for risks that are generally designated in this manual by the symbol (a), except the suspension of filing requirements does not apply with respect to Class Codes 10011, 10012, 10025, 10027, 10210, 10211, 50011, 50012, 50018 and 50019 for Products/Completed Operations because Administrative Order No. 11888 does not extend to those class codes. In addition, Estimated Loss Potentials (ELPs) are provided in the ELPs Supplement for certain classifications for which no manual state company rates/ISO loss costs are given. In accordance with Administrative Order No. 11888, rates developed from the ELPs in Procedure **5.B.** of the ELPs Supplement do not have to be filed except with respect to Class Codes 10012 and 10027 for Products/Completed Operations.