

Commercial Property & Casualty **Rate and Form Options and Exemptions Manual**

April 2005 Edition

The Manual revisions reflected in the December 2004 edition and carried over to the April 2005 edition apply to the following jurisdictions: Louisiana, South Dakota, Massachusetts, New Hampshire, Virginia; and Washington state.

For the April 2005 edition, we have added the following information: i) for Nebraska, the use of schedule rating for workers' compensation insurance; ii) for Virginia, the revision of standards defining an exempt commercial policyholder; and iii) for California, a clarification of filing requirements for manuscript endorsements.

This manual provides rate and form options available (other than the filed rates and forms) for property and casualty risks written on admitted paper. These options are as follows:

- **Commercial Deregulation/Exemption (which may apply to rates and/or policy forms)**
- **(A) Rates**
- **Individual Risk Rates**
- **Consent to Rate**
- **Manuscript Endorsements**

Definitions are on the next page.

This manual is set up in alphabetical order by state. Each state section addresses each of the above options, listing the lines that the option applies to and whether the option applies to policy rates and/or forms. In some instances, the states' laws do not address the various options. Therefore, recommendations were made from ISO Manuals when applicable. Specific state filing requirements for the various rate options are also provided along with necessary forms (i.e. consent to rate forms).

This manual gives recommendations for properly maintaining files when using the above options. As a general rule, all underwriting files should include documentation of how an excess (or lower) rate was determined and include any required forms or authorizations. It is important to note that a risk that is exempt from rate and/or form filing requirements must generally comply with all other areas of the insurance law. For example, rates that are not filed must still not be inadequate, excessive or discriminatory and must be actuarially justified.

This survey does not address rates for the following: surplus lines; reinsurance, other than joint reinsurance, life insurance; annuities; health insurance; ocean marine, as distinguished from inland marine insurance policies; aviation liability (other than workers' compensation and employer's liability) and aircraft hull or title insurance.

At the beginning of this manual, you will find a quick reference chart for all states. This is meant only for your convenience and does not include much of the information that you will need to properly use this manual. You must refer to the state pages for accurate information.

Please note that the material in this document is here to serve as a guide only. Please consult your attorney and have him or her check the law. This material is only updated through the date which appears on this page and is subject to change.

Definitions:

1. **Commercial Deregulation/Exemption:**

A method of deregulating rates and forms involving (i) certain lines of business, because the line of business is competitive enough to be self regulating, or (ii) large commercial policyholders, because the insured is assumed to have a high level of insurance knowledge. Generally, a large commercial policyholder is exempt when it meets certain criteria (i.e. a minimum net worth, a minimum amount of insurance premium per year, a minimum amount of employees, etc.).

These deregulated risks or policyholders may also be exempt from requirements, other than rate and form filing (see **Commercial Deregulation – Additional Exemptions** section on the state pages), but are generally subject to all other insurance law requirements.

2. **(A) Rates:**

(A) Rates apply where there is a unique and unusual risk for which a manual rate cannot be used. There is generally no experience typical for that risk, and generally, such risks are not backed by loss experience statistics. An underwriter would utilize (A) rating for classifying and rating any risk, which presents unique or unusual conditions, exposures, or hazards for which a commercial lines manual classification or rate is not appropriate. There are generally three types of situations that require (A) rates. These three instances are as follows: (1) for a class in which the risks are so different from each other that no single manual rate could be representative of all of them; (2) where a class does not develop enough experience to warrant any credibility for ratemaking purposes; or (3) risks that involve a new product or coverage for which there is no past experience nor appropriate analogy to similar exposures.

Why are they called (A) Rates? Insurance Services Office which is a rating organization that provides loss costs formerly provided rates. They would file with the State Insurance Department and insurers would use the rates that were approved. These were broken down by classification and other factors and contained in the Commercial Lines Manual (CLM). There were some classifications for which there was no credible experience and rates could not be determined. Instead of having a number next to the classification, ISO inserted the symbol (A). Hence the term (A) rates. These are also commonly known as “refer to company” rates.

3. **Individual Risk Rating:**

An individual risk rate filing is required for insurance written in a line or class of insurance for which you have not previously filed rates nor have you designated such lines or classes with (A) or "refer to company" or where the manual filed rates do not adequately represent the exposure of a particular risk. A method by which a risk is rated by experience rating, schedule rating, or a combination of both rating practices. Ex. A large risk that is so large that it's own experience dictates its rate.

Experience Rating:

A method of adjusting the premium for a risk based on past loss experience for that risk compared to loss experience for an average risk.

Schedule Rating:

Applying debits or credits within established ranges for various characteristics of a risk, which are either below or above average according to an established schedule of items.

4. **Consent to Rate:**

A rate in excess of that filed by a company or rating organization that may be charged on a specific risk, because the risk actuarially warrants a higher rate to which the insured and insurer have consented in writing.

5. **Manuscript Endorsements:**

A written or printed form attached to the policy which alters provisions of the contract. It includes specific coverages or conditions not provided for in the standard policy.

QUICK REFERENCE CHART

*****This chart is only a quick guide to give the options available in each state. This does not provide the lines of business the options apply to or the various filing requirements. Many options do not apply to all lines and various lines have different filing requirements. In order to properly use this manual, you must review the relevant state pages to determine the applicability to your line of business and the filing requirements for each specific line.**

State	Commercial Deregulation/ Exemption	(A) Rate and Individual Risk Rate	Consent to Rate	Manuscript Endorsements
ALABAMA	<ul style="list-style-type: none"> • Yes for Forms for inland marine & surety. • Yes for Rates for inland marine. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
ALASKA	<ul style="list-style-type: none"> • Yes for Forms for inland marine & surety. • Yes for Rates for inland marine. 	Yes. Manual page must be filed.	Yes. File for approval.	Exempt from filing.
ARIZONA	Yes for Rates & Forms for most commercial lines and Industrial Insureds.	Yes. Exempt from filing.	Yes. Most lines exempt from filing.	Must file.
ARKANSAS	<ul style="list-style-type: none"> • Yes for Rates for most commercial lines. • Yes for Forms for Large Commercial Risks. 	Yes. Exempt from filing.	Yes. Most lines exempt from filing.	Exempt from filing.
CALIFORNIA	No.	No (A) rates. Individual risk rates may be allowed, but require prior approval.	Yes for workers' compensation only. File for approval.	Must file if endorsement pertains to rates.
COLORADO	<ul style="list-style-type: none"> • Yes for Rates for Exempt Commercial Policyholders. • Yes for Forms for most commercial lines 	Yes. Exempt from filing.	Yes for Type I (pure NCCI workers' comp and assigned risk auto). File for prior approval.	Must file.
CONNECTICUT	<ul style="list-style-type: none"> • Yes for Rates & Forms for inland marine. • Yes for Forms for fidelity, surety, guaranty. 	Yes. Exempt from filing.	Yes. For No-Fault Auto only. File for approval.	Must file.
DELAWARE	<ul style="list-style-type: none"> • Yes for Rates for Large Risks. • Yes for Rates & Forms for inland marine. • Yes for Forms for surety. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
DISTRICT OF COLUMBIA	Yes for Rates and Forms for Exempt Commercial Risks and Inland Marine.	(A) rates – file for prior approval. Individual risk – file after effective date.	Yes. File for approval.	Exempt with conditions.

State	Commercial Deregulation/ Exemption	(A) Rate and Individual Risk Rate	Consent to Rate	Manuscript Endorsements
FLORIDA	<ul style="list-style-type: none"> • Yes for Rates for Large Commercial Risks. • Yes for Rates & Forms for inland marine. • Yes for Forms for surety. 	Yes. Exempt from filing. Quarterly report must be filed.	Yes. Exempt from filing. Quarterly report must be filed.	Exempt from filing.
GEORGIA	<ul style="list-style-type: none"> • Yes for Rates for Large Commercial Risks. • Yes for Forms for inland marine and surety. 	Yes. File after effective date.	Yes. File prior to effective date.	Exempt from filing.
HAWAII	<ul style="list-style-type: none"> • Forms are generally not filed. • Yes for Rates for inland marine. 	Yes. File for prior approval.	Yes. File for approval.	Exempt from filing.
IDAHO	Yes for Forms for inland marine and surety.	Yes. Exempt from filing.	Yes for workers' comp only. File for approval.	Exempt from filing.
ILLINOIS	Yes for rates fro most lines. Yes for Forms for fidelity and surety and for Industrial Insureds excluding Worker's Compensation.	Yes. Exempt from filing.	Yes. Exempt from filing.	Exempt from filing.
INDIANA	<ul style="list-style-type: none"> • Yes for Rates and Policy forms for Exempt Commercial Policyholders. • Yes for Rates for inland marine. 	(A) rate – file for approval. Individual risk – only file if deviate +-50% from filed rate.	Yes. Exempt from filing.	Must file.
IOWA	<ul style="list-style-type: none"> • Yes for Forms for certain lines. • Yes for Rates for inland marine. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt with certain conditions.
KANSAS	<ul style="list-style-type: none"> • Yes for Rates for Large Risk & Special Risks. • Yes for Forms for surety, marine and inland marine. • Yes for Rates for inland marine. 	Yes. Exempt from filing.	Yes. File for approval.	Certain forms are exempt.
KENTUCKY	<ul style="list-style-type: none"> • Yes for Rates for most commercial lines. • Yes for Rates & Forms for Industrial Insureds, Govt. Entity Insureds, and Exempt Commercial Policyholders. • Yes for Forms for surety and inland marine. 	Yes. File KY application form.	Yes. File KY application form signed by insured.	Exempt from filing.

State	Commercial Deregulation/ Exemption	(A) Rate and Individual Risk Rate	Consent to Rate	Manuscript Endorsements
LOUISIANA	<ul style="list-style-type: none"> • Yes for Rates & Forms for Exempt Commercial Policyholders. • Yes for Forms for surety. • Yes for Rates for inland marine and excess. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
MAINE	<ul style="list-style-type: none"> • Yes for Rates & Forms for Large Commercial Policyholders. • Yes for Forms for surety. • Yes for Rates & Forms for inland marine. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
MARYLAND	<ul style="list-style-type: none"> • Yes for Forms for Exempt Commercial Policyholders. • Yes for Rates for inland marine. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
MASSACHUSETTS	<ul style="list-style-type: none"> • Yes for Rates and Forms for Large Commercial Insureds. • Yes fro Rates for inland marine. 	Yes. Exempt from filing.	Yes. File for prior approval.	Exempt with conditions.
MICHIGAN	<ul style="list-style-type: none"> • Yes for most Forms. • Yes for Rates and Forms for Exempt Commercial Policyholders , and inland marine.. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
MINNESOTA	Yes for Rates & Forms for most commercial lines.	Yes. Exempt from filing.	Yes. Exempt from filing.	Exempt with conditions.
MISSISSIPPI	Yes for Rates & Forms for inland marine.	Yes. File rate, company manual or schedule of rates.	Yes. Exempt from filing.	Must file.
MISSOURI	<ul style="list-style-type: none"> • Informational filing only for most commercial lines. • Yes for Rates & Forms for inland marine. 	Yes. File (A) rate or schedule of rates. File Individual Risks.	Yes. File for approval.	Must file.
MONTANA	Yes for Forms for surety.	Yes. File (A) rate or schedule of rates. File Individual Risks.	Yes for workers' comp only. File for approval.	Exempt from filing.
NEBRASKA	<ul style="list-style-type: none"> • Yes for Rates and/or Forms depending on Class of Exempt Commercial Policyholder. • Yes for Forms for surety. • Yes for Rates for inland marine and excess umbrella. 	Yes. File for approval.	Yes. File for approval. Prior approval for personal lines.	Exempt with conditions.
NEVADA	Yes for Rates for most commercial lines.	Yes. Exempt from filing.	Yes. File for prior approval.	Must file.

State	Commercial Deregulation/ Exemption	(A) Rate and Individual Risk Rate	Consent to Rate	Manuscript Endorsements
NEW HAMPSHIRE	<ul style="list-style-type: none"> • Yes for Rates & Forms for Large Scale Commercial Insureds. • Yes for Rates for inland marine. 	Yes. File for approval.	Yes. File for approval.	Must file.
NEW JERSEY	<p>Yes for Rates for Special Risks.</p> <p>Yes for forms for some Special Risks</p>	Yes. Exempt from filing except legal liability and medical malpractice.	Yes. File applicable NJ form for approval.	Must file unless a Special Risk.
NEW MEXICO	No.	Yes. Exempt from filing.	Yes. File for prior approval.	Exempt from filing.
NEW YORK	<ul style="list-style-type: none"> • Yes for Rates & Forms for Special Risks (Free Trade Zone). • Yes for Rates for inland marine. 	Yes. Exempt from filing with certain exceptions.	Yes. File for approval.	Must file.
NORTH CAROLINA	Yes for Forms for inland marine only.	Yes. File for approval unless a schedule of rates is filed.	Yes. Filing only required for workers' comp or if rate increase of 250-550%.	Must file.
NORTH DAKOTA	Yes for Rates for inland marine only.	Yes. Exempt from filing.	Yes. File for approval.	Must file.
OHIO	Yes for Rates & Forms for inland marine only.	Yes. Exempt from filing.	Yes. Exempt from filing.	Must file.
OKLAHOMA	<ul style="list-style-type: none"> • Yes for Rates for Commercial Special Risks. • Yes for Forms for surety. • Yes for Rates for inland marine. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
OREGON	Yes for Rates for inland marine only.	Yes. File for approval.	Yes. File for approval.	Exempt from filing.
PENNSYLVANIA	<ul style="list-style-type: none"> • Yes for Rates & Forms for Large Commercial Risks. • Yes for Forms for certain commercial lines. 	File (A) rate or schedule of rates. File Individual Risks if deviate +-25% from filed rates.	Yes. File for approval.	Exempt with conditions.
RHODE ISLAND	<ul style="list-style-type: none"> • Yes for Rates & Forms for Commercial Special Risks. • Yes for Rates for inland marine. 	(A) rates exempt from filing. File Individual Risks if deviate +-25% from filed rates.	Yes. File for approval.	Must file.
SOUTH CAROLINA	<ul style="list-style-type: none"> • Yes for Rates for Exempt Commercial Policies. • Yes for Forms for surety and fidelity. • Yes for Rates for inland marine. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.

State	Commercial Deregulation/ Exemption	(B) Rate and Individual Risk Rate	Consent to Rate	Manuscript Endorsements
SOUTH DAKOTA	Yes for Rates & Forms for Exempt Commercial Policyholders. Yes for Forms for surety and inland marine, only.	Yes. File for approval.	Yes. File for prior approval.	Exempt from filing.
TENNESSEE	Yes for Rates & Forms for inland marine only.	Yes. Exempt from filing.	Yes. Exempt from filing.	Exempt from filing.
TEXAS	<ul style="list-style-type: none"> • Yes for Forms for Large Risks. • Yes for Rates & Forms for some prof. Liability lines. 	Yes for certain lines. Must file (A) rate procedures.	Yes. File for approval.	Must file.

State	Commercial Deregulation/ Exemption	(A) Rate and Individual Risk Rate	Consent to Rate	Manuscript Endorsements
UTAH	<ul style="list-style-type: none"> • Yes for Rates for Commercial Excess and Umbrella Liab. • Yes for Forms for certain lines. 	Yes. Exempt from filing unless rate deviates >25% from last premium.	Yes. File for approval.	Must file.
VERMONT	Yes for Forms for surety and inland marine.	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
VIRGINIA	<ul style="list-style-type: none"> • Yes for Rates & Forms for Large Commercial Risks. • Yes for Rates for Workers' Comp Retro. Plans and certain exempt lines. 	Yes. (A) rates very limited use. Individual risk rates allowed and must be filed.	Yes. File for prior approval.	Must file.
WASHINGTON	<ul style="list-style-type: none"> • Yes for Rates for Large Commercial Accounts. • Yes for Forms for surety. 	Yes. File an (A) rate schedule of rates. Individual risks exempt from filing unless deviate >25% from filed rate.	Yes. File for approval.	Exempt from filing.
WEST VIRGINIA	<ul style="list-style-type: none"> • Yes for Forms for surety. • Yes for Rates for inland marine. 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.
WISCONSIN	No.	Yes. Exempt from filing with exceptions.	Yes. Exempt from filing with exceptions.	Must file.
WYOMING	<ul style="list-style-type: none"> • Yes for Rates for most commercial lines. • Yes for Forms for certain Exempt Lines. • Yes for Forms for surety and inland marine 	Yes. Exempt from filing.	Yes. File for approval.	Exempt from filing.

ALABAMA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds and specially rated inland marine risks are exempt from form filing. [Ala. Ins. Code § 27-14 – 8]
- Inland marine is also exempt from rate filing. [Ala. Ins. Code §27-13-22(1)]
- There are no other forms of commercial deregulation in Alabama.

II. (A) Rates and Individual Risk Rates

There is no statutory provision for (A) rates and individual risk rates. However, (A) rates and individual risk rates are allowed. ISO Manual.

Filing and Record Keeping Requirements

- (A) rates and individual risk rates are exempt from filing. ISO Manual.
- When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.

III. Consent to Rates

- Consent to rates is allowed for all property & casualty lines, including workers' compensation. [Ala. Ins. Code §§ 7-13-33, 27-13-61 (WC), 27-13-72]
- This does not apply to reinsurance, aviation or accident and health. [Ala. Ins. Code § 27-13-61]

Filing and Record Keeping Requirements

- An application (*see attached Consent to Rate Form*) must be filed in duplicate with an explanatory cover letter and approved by the Commissioner.
- The application shall be maintained in the underwriting files.

IV. Manuscript Endorsements

Policies, riders, endorsements or forms of unique character designed for use upon a particular subject are exempt from filing. [Ala. Ins. Code §27-14-8]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

ALASKA

[\(back to reference chart\)](#)

I. Commercial Deregulation/ Exemption

- Surety bonds and specially rated inland marine risks are exempt from form filing. [AK Ins. Code § 21.42.120]
- Inland marine is also exempt from rate filing. [AK Ins. Code § 21-39-040]
- Currently, there are no other forms of commercial deregulation in Alaska. However, proposed changes to the law have been drafted to adopt regulations consistent with the NAIC P&C Model Rate and Policy Form Act, whereby commercial insurance (excluding workers' compensation) involving Exempt Commercial Policyholders will be subject to rate filings for informational purposes only. An "informational filing" means a filing that the director does not approve before its use and that meets the format and content requirements of regulations adopted by the director. [AK Ins. Code § 21.39.040(k). See proposed 3 AAC 29.500- .549]

II. (A) Rates and Individual Risk Rates

(A) Rates and individual risk rates are allowed as follows [contact State Filings for AIG (A) rate filings or see ISO Manual]:

- (A) Rate, defined as a rate determined individually for a specific risk and based upon underwriting judgment, is permitted [Order R-94-2] if the following qualifications are met:
 - 1) Neither a rating organization nor the insurer has established a manual rate for the risk or class of risks; or
 - 2) The risk involves unique or unusual circumstances for which the applicable manual rate does not adequately reflect the exposure represented by the risk.

Filing and Record Keeping Requirements

- (A) rates and individual risk rates do not have to be filed.
- However, before an (A) rate is used, the following must be filed and approved by the Department:
 - Each insurer must file a manual page, which contains the insurer's rule for when a given class of risks will be (A) rated, or providing conditions under which (A) rating will be used. A risk may not be (A) rated until the filing is approved.
 - Guide (A) rates must be filed as well.
 - 1) When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request. The file must document why the risk was (A) rated or individually rated, how the (A) or individual rate was developed and include: specific loss potential characteristics;
 - 2) Reference to similar exposures;
 - 3) Available loss frequency and severity data; and any other relevant documentation

III. Consent to Rate

Consent to Rate is allowed for all property and casualty lines, including workers' compensation. This does not apply to reinsurance, health, ocean marine and aircraft hull and aviation. [AK Ins. Code 21.39.020]

Filing and Record Keeping Requirements

- Written application of the insured (*see attached* Alaska Consent to Excess Rate Endorsement), stating reasons for accepting the rate, must be filed in triplicate with a cover letter and approved by the Director prior to use. [AK Ins. Code § 21.39.040(g), Bulletin 71-8]
- Rates must not be excessive, inadequate or discriminatory. [Bulletin 71-8]

- The reason for the excess rate must be specific; the Department will not accept the catch-all phrase, "unable to place in standard market." Suggested examples of acceptable reasons are (a) High Value in Unprotected Area -- No Fire Department. Ex. (b) Past Loss Frequency and Hazardous Operation. Ex. (c) Youthful Operator with 4 Moving Traffic Violations.
- The application must be maintained in the underwriting files.

IV. Manuscript Endorsements

Policies, riders, endorsements, or forms of unique character designed for use upon a particular subject are exempt from filing. [AK Ins. Code § 21.42.120]

Alaska Miscellaneous Regulatory Material
BULLETINS OF THE DIVISION OF INSURANCE

Bulletin 71-8

EXHIBIT 1

CONSENT TO EXCESS RATE ENDORSEMENT

Name and address of insured. _____

Policy number. _____

Period of coverage. _____

Kind of insurance & hazards to be insured. _____

Limits or amount of insurance. _____

Reason for excess rate. _____

Premium \$ _____, which is _____% of the usual premium developed at rates filed with the Division of Insurance.

The undersigned hereby certifies that he/she has been unable to obtain insurance against the hazard(s) noted above for reasons cited and in consideration of the _____ insurance company having agreed to issue to him/her their policy covering the hazards mentioned at the premium noted above, the undersigned hereby requests issuance of such policy, and accepts such higher rate.

(applicant's signature)

(date)

ARIZONA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Pursuant to Docket No. 01A-215-INS, Exhibit A(I)(H) – dated 6/22/01, the following lines are exempt from rate and form filings:
 - A. **Commercial Casualty Insurance**, except as noted in exclusions below, including, but not limited to: Boiler and Machinery, Collateral Protection, Employee Benefits Liability, Glass, Crime Insurance, Excess and Umbrella Insurance, Family Leave Insurance, Involuntary Unemployment Insurance and Products Liability, Directors and Officers, Employment Practices Liability, and Nuclear Insurance Products.
 - B. **Commercial Marine and Transportation Insurance**, including Inland Marine, Aviation and Ocean Marine.
 - C. **Commercial Property Insurance**, including, but not limited to: Fire And Allied Lines, Business Interruption and Difference In Conditions, Flood Insurance, Federal Crop Multi-Peril Insurance.
 - D. **Commercial Fidelity and Surety Insurance**, including, but not limited to, Financial Guaranty Insurance.
 - E. **Guaranteed Asset Protection (GAP) Insurance** and residual value filings.
 - F. Forms or rates issued by a Risk Retention Group or by any other insurer solely to a Purchasing Group.
 - G. **Commercial Automobile Insurance**.
 - H. **Consent to Rate risks**.
 - I. **Business Owner Insurance rates**, except as noted in 2.H below, and forms.
 - J. Any combination of the above exempt rates and forms, unless it includes a nonexempt coverage.
 - K. **Commercial Multiple Peril Insurance**, except as noted below.

- Notwithstanding the exempt lines above, the following insurance rates and forms **ARE NOT EXEMPT** from filing requirements:
 - A. All rates and forms developed by a rate service organization or by an advisory organization.
 - B. Rates and forms of an insurer possessing an Arizona Certificate of Authority less than two (2) years.
 - C. Rates and forms of any insurer the Director has expressly directed to comply with filing requirements.
 - D. Rates and forms of any Residual Market Mechanism or Assigned Risk Plan.
 - E. Personal insurance rates and policy forms and endorsements, including rates and forms for homeowners, mobile homeowners, tenants, condominiums, personal automobiles, non-owned automobiles and UM/UIM.
 - F. Mortgage Guaranty Insurance.
 - G. Title Insurance.
 - H. Service contract as defined by A.R.S. § 20-1095(8).
 - I. Professional liability insurance issued to “health professionals”, including Medical Malpractice Insurance.
 - J. Provider Reimbursement Policies intended to insure capitated medical providers for non-reimbursed expenses incurred in connection with the treatment of members.
 - K. Workers’ Compensation.
 - L. Pet Insurance.
 - M. Prepaid Legal Insurance.
 - N. Credit Insurance.
 - O. Crop Hail Insurance.
 - P. Contractual Liability Forms related to Service Contract Obligations.
 - Q. Business Owner’s Policies (BOP) involving rate decreases of 10% or more.
 - R. Commercial Multi-Peril Policies issued to hospitals and HMO’s.

- Arizona also has commercial deregulation (**rate and form**) for policies issued to Industrial Insureds. [A.R.S. §§ 20-385, 20-400.10 , 20-401.07]

- **Industrial Insureds** - There is commercial deregulation for property and casualty lines, except for workers’ compensation insurance and employers’ liability insurance written in conjunction with workers’ compensation insurance, involving policies issued to an Industrial Insured. [A.R.S. §§ 20-385, 20-400.10 , 20-401.07]

- An **Industrial Insured** is an insured that meets at least 2 of the following:
 - procures insurance through the use of a Risk Manager;
 - has aggregate annual gross premiums for insurance on all property and casualty risks (excluding workers’ compensation) totaling at least \$100,000, as of the preceding fiscal year end;
 - has a net worth of over \$10 million as of the preceding fiscal year end;

- has net revenues or sales exceeding \$25 million per year as of the preceding fiscal year end; and
 - has more than 80/100 full-time employees per individual company/holding company.
- **Risk Manager** means a full-time employee or a third party consultant of the insured, who provides skilled services in loss prevention, loss reduction, risk and insurance coverage analysis and the purchase of insurance and possesses at least one of the following:
 - (a) A baccalaureate or higher degree in risk management issued by an accredited college or university.
 - (b) A designation as CPCU issued by an insurance institute.
 - (c) A designation as a certified insurance counselor that is issued by a society of certified insurance counselors.
 - (d) A designation as an ARM.
 - (e) A designation as a CRM.
 - (f) A designation as a FRM.
 - (g) Any other similar qualification that the director determines is sufficient, other than an agent or broker's license.

Filing and Record Keeping Requirements

- Rates and forms involving the exempt lines above do not need to be filed.
- Rates and forms involving risks A – R above are not exempt from filing.
- Rates and forms for a policy sold to an Industrial Insured (as defined above) are exempt from filing.
- However, an industrial insured must certify, annually on a form prescribed by the Director (*see attached*), to the insurer that it meets the definition of an industrial insured. The insurer shall maintain this certification in the policy file.
- Insurers shall also file annually, on a form prescribed by the Director, the following information regarding all policies issued to industrial insureds:
 - 1) The total number of policies written;
 - 2) The total premiums written;
 - 3) The total premiums earned;
 - 4) The total losses paid;
 - 5) The total losses incurred;
 - 6) The total number of claims incurred.; and
 - 7) Any other information the director deems appropriate.
- Any policy issued to an industrial insured shall contain a conspicuous notice in bold type indicating:

Pursuant to A.R.S. § 20-400.10, this policy and the rates charged for it have not been filed with or approved by the director of the Arizona department of insurance. Certain provisions of Arizona Law, specified in A.R.S. § 20-400.10, do not apply to this policy. If the insurer that issued this policy becomes insolvent, insureds or claimants will not be eligible for insurance guaranty fund protection pursuant to A.R.S. Title 20.
- An industrial insured does not need to satisfy the surplus lines due diligence requirements. [A.R.S. § 20-407]

Commercial Deregulation – Additional Exemptions:

The following statutory provisions of A.R.S. Title 20, Insurance, do not apply to insurance issued to **Industrial Insureds**:

- Countersignature by producer, bail bond agent, or managing general agent [A.R.S. § 20-229];
- Ratemaking criteria [A.R.S. § 20-384];
- Applicability of provisions (for compliance with filed rates) [A.R.S. § 20-400];
- Rate adjustments [A.R.S. § 20-400.01];
- Reports comparing premiums charged to filed rates [A.R.S. § 20-400.02];
- Penalties for violations [A.R.S. § 20-400.03];
- Examinations [A.R.S. § 20-400.04];
- Examiners; expenses [A.R.S. § 20-400.05];
- Examination report [A.R.S. § 20-400.07];
- Surplus line insurance; brokers (exemption from due diligence requirement) [A.R.S. § 20-407];
- Unfair discrimination (in rates and premiums for insurance other than life and disability) [A.R.S. § 20-448 (c)];
- Rebates other than on life or disability insurance [A.R.S. § 20-451];
- Prohibited inducements [A.R.S. § 20-452];

- Service charges [A.R.S. § 20-465];
- Disapproval of forms, advertising matter, or sales material [A.R.S. § 20-1111];
- Standard provisions (of insurance contracts) [A.R.S. § 20-1112];
- Required provisions (of insurance contracts) [A.R.S. § 20-1113];
- Charter documents as part of policy [A.R.S. § 20-1114];
- Void policy stipulations [A.R.S. § 20-1115];
- Execution of policy [A.R.S. § 20-1116];
- Joint underwriters' policy; combination policy [A.R.S. § 20-1117];
- Binders [A.R.S. § 20-1120];
- Renewal of policy by certificate or endorsement [A.R.S. § 20-1121];
- Assignability [A.R.S. § 20-1122];
- Open Rates and Rating Organizations [A.R.S. Chapter 2, Article 4.1];
- Administration of Insolvency [A.R.S. Chapter 3, Article 6]; and
- Property Insurance, Cancellation or Nonrenewal of Commercial Insurance. [A.R.S. Chapter 6, Articles 7 and 14]

II. **(A) Rates and Individual Risk Rates**

(A) rates and individual risk rates are allowed, excluding workers' compensation and medical malpractice. [Circular Letter 98-1. Ins. Code 20-382]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates are exempt from filing.
- (A) rates are not exempt from filing if either of the following apply:
 - (1) The written premium for an (A) rate exceeds 25% of the insurer's written premium in Arizona, and the insurer has contracts for 5 or more homogeneous (A) rate risks; or
 - (2) The number of (A) rated risks in a specific class meet the standards adopted by the "actuarial standards board as of January 1, 1997," then the insurer shall file the rate 30 days after it is effective.
- Regardless of individual filing requirements, in order to use (A) rates, an insurer must file Form ADOI 1115 (*see attached*) annually on or before January 30th, certifying that insurer did not have "credible experience to establish a rating class for the specific type of risks.
- When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.

III. **Consent to Rate**

Consent to rate is allowed in Arizona for all property & casualty lines, including workers' compensation and employer's liability. [A.R.S. §§ 20-342; 20-357(d) (WC); 20-385(P&C)]

This does not apply to life, disability, annuity, mortgage guaranty, reinsurance, except for joint reinsurance, aircraft hull and aviation and ocean marine. [A.R.S §§ 20-342; 20-385]

Filing and Record Keeping Requirements

- Consent to rates need no longer be filed (*see* Docket No. 01A-215-INS, Exhibit A(I)(H) – dated 6/22/01).
- The Consent to Rate form (*see attached Consent to Rate Form*), however, should be signed and kept in underwriting file.

IV. **Manuscript Endorsements**

No section in the law indicates if manuscript forms have to be filed. According to the D.O.I manuscript forms generally have to be filed.

Re SB 1069:

Form to certify status as an industrial insured.

To: _____ (Complete Name Of Insurer) _____ I,
_____ (your name) certify that:

1. I am _____ (owner or an officer) of
_____ (name of industrial insured as it will appear on
the insurance policy to be issued by the above-named insurer).
2. I have read and understand A.R.S. s 20-401.07(A)(1) set forth below: "Industrial insured" means an insured that meets at least two of the following criteria:
 - a. Applies for or procures any insurance that is subject to Article 4.1 of this chapter through the use of a risk manager.
 - b. Has aggregate annual gross premiums for insurance on all property and casualty risks that are subject to Article 4.1 of this chapter totaling at least one hundred thousand dollars as of the preceding fiscal year end of the industrial insured.
 - c. Possesses a net worth of over ten million dollars as of the preceding fiscal year end of the industrial insured as verified by a certified public account.
 - d. Has net revenues or sales exceeding twenty five million dollars as of the preceding fiscal year end of the industrial insured as verified by a certified public accountant.
 - e. Has more than eighty full-time employees or equivalent per individual company or one hundred full-time employees or equivalent per holding company system as of the date the policy is issued.
3. _____ (name of industrial insured) is an industrial insured pursuant to A.R.S. s 20-401.07 and meets the statutory criteria checked above (check all that apply in number two).

CERTIFICATION

STATE OF: _____)

COUNTY OF: _____)

Being first duly sworn, _____ deposes and says that he/she has read the foregoing, and each statement and answer made, and under penalty of perjury, swears that all such answers are true and correct.

Full Signature of Officer or Owner (Include FULL first, middle and last names)

SUBSCRIBED AND SWORN TO before me this day of _____, _____.

Notary Public (SEAL)

ADOI FORM 1115
*****INSURER'S (A) RATE REPORTING FORM*****

**ON OR BEFORE JANUARY 30 OF EACH YEAR, THIS FORM IS TO BE PROVIDED BY THE INSURER TO THE:
RATES AND REGULATIONS DIVISION STATE OF ARIZONA –
DEPARTMENT OF INSURANCE
2910 NORTH 44TH STREET -- SUITE 210
PHOENIX, AZ 85018-7256
TELEPHONE: (602) 912-8466; FACSIMILE: (602) 912-8421**

SECTION I (INSURER INFORMATION):

A. Complete Name Of Insurer: _____ NAIC # _____
B. Address Of Insurer: _____ / _____ / _____ / _____ / (____) _____
 Street Address City State Zip Telephone Number
C. Name of Company Contact For Questions About Form: _____
 Telephone Number: () _____

SECTION II (CERTIFICATION)

STATE OF: _____)
))
ss. _____)
COUNTY OF: _____)

I, _____ (Name of Person Completing the Form), in my capacity as _____ (Title of Person Completing the Form) for _____, (COMPLETE NAME OF INSURER) an insurance company duly authorized under the laws of Arizona to transact _____ (enter the lines of insurance for which insurer has an Arizona Certificate of Authority), do hereby certify that for the preceding twelve-month period ending December 31, ____ (enter year) the aforementioned insurer (check A or B below):

___, A. Applied rates, the insurer developed individually to the insurance policies of risks located in the State of Arizona because the insurer did not have when the risks were written credible experience to establish a rating class for the specific types of risks. The rates applied were rates for which no rate service organization has published a rate or loss costs in Arizona or any other state and for which insufficient similar exposure units and loss experience data exist to develop statistically credible rates for the risk and no homogeneous rating class exists in which the risk could reasonably be placed. The aforementioned described rates are for the purposes of this form considered "(A) rates." If this block is checked attach a sheet listing the policy numbers of all (A) rated policies, the applicable line of insurance, and a general description of the class to which the (A) rate was applied (e.g., Policy Number CL 222576, General Liability, Tank Construction) during this report period.

___ B. Did not apply (A) rates to any of its insurance policies issued on risks located in the State of Arizona during this report period.

(SIGNATURE OF PERSON COMPLETING FORM) (DATE OF SIGNATURE) SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 19 _____ BY

(SIGNATURE OF NOTARY PUBLIC) (MY COMMISSION EXPIRES)

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

_____.

Insured's Signature

Authorized Representative's Signature

Date

Date

ARKANSAS
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- There is commercial exemption in Arkansas (**for rates**) for all commercial property and casualty lines except for workers' compensation, employers' liability or professional liability insurance (including but not limited to medical malpractice insurance). For these exempt commercial lines, no rates have to be filed. [Ark. Code Ann. §§ 23-67-206, 23-79-111 , 23-79-112]
- The following forms are also exempt from filing requirements, but the form must still comply with statutory requirements [Ark. Code Ann. § 23-79-109]:
 - commercial umbrella
 - directors & officers liability
 - equity loan programs (second mortgage coverage)
 - excess of loss
 - excess umbrella
 - expropriation coverage
 - fiduciary liability
 - highly protected risk
 - kidnap and ransom
 - mortgage pool insurance
 - "Large Commercial Risk" (defined below)
 - political risk
 - public officials liability
 - railroad protective liability
 - surety bonds
- There is commercial deregulation (**for policy or coverage forms**) for Large Commercial Risks, except for workers' compensation, employers' liability and professional liability. [Bull. 6-99] Forms issued to Large Commercial Risks are exempt from the form filing and approval requirements.

Large Commercial Risk means an insured that has:

- A total premium of \$250,000 or more for property and casualty insurance;
- At least 25 full-time employees; and
- A full-time certified risk manager to procure property/casualty insurance. A "certified risk manager" is a risk manager with one or more of the following credentials: Associate in Risk Management (ARM), Chartered Property Casualty Underwriter (CPCU), or Certified Risk Manager (CRM). [Ark. Code Ann. § 23-79-109]

Filing and Record Keeping Requirements

- Rates and forms are exempt from filing as noted above.
- Forms for Large Commercial Risks are also exempt from compliance with Ark. Code Ann. § 23-79-111 -- Standard Provisions; Ark. Code Ann. § 23-79-112 -- Policy Content and Identification; Ark. Code Ann. § 23-79-123 -- Renewal by Certificate or Endorsement; and Ark. Code Ann. §§ 23-79-301, et seq. -- Minimum Standards for Commercial Property and Casualty Insurance Policies.
- An insured that qualifies as a Large Commercial Risk must certify in writing that it meets the above criteria; it is aware that policy is unregulated for rates and form; and it has the expertise to negotiate its own policy.
- This certification shall be done annually and remain on file with the producing agent or broker.

Commercial Deregulation - Additional Exemptions:

The following statutory provisions of AR Title 23, Public Utilities and Regulated Industries, do not apply to insurance issued to **Large Commercial Risks**:

- Standard provisions [Ark. Code Ann. § 23-79-111];
- Policy contents and identification [Ark. Code Ann. § 23-79-112];
- Renewal by certificate or endorsement [Ark. Code Ann. § 23-79-123]; and
- Scope of provisions (Minimum Standards -- Commercial Property and Casualty Insurance Policies). [Ark. Code Ann. § 23-79-303]

II. (A) Rates and Individual Risk Rates

(A) Rates and individual risk rates are allowed. [Bull. 6-99]

Filing and Record Keeping Requirements

- (A) rates and individual risk filings are exempt from filing. [Ark Code Ann. § 23-67-206; Bull. 6-99]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.

III. Consent to Rate

- Consent to rate is allowed in Arkansas for all property and casualty lines, including workers' compensation, employers' liability and professional liability. [Bull. 6-99. Ark Code Ann. §§ 23-67-213, 23-67-206]
- This does not apply to life; annuities; disability, including accident and health; ocean marine; reinsurance; aircraft; title; motor vehicle service contracts, for so long as the motor vehicle service contract providers' exposures to their customers are fully insured by an insurer that is authorized to transact property and casualty insurance business in this state; or surplus lines. [Ark Code Ann. § 23-67-203]

Filing and Record Keeping Requirements

- Consent to Rate forms are not required to be filed except for workers' compensation, employers' liability and professional liability (including medical malpractice), which must still be filed. [Bull. 6-99]
- Consent to Rate forms (*see attached Consent to Rate Form*) must still be signed by all insureds and kept on file by the producer.

IV. Manuscript Endorsements

Policies, orders, endorsements, or forms of unique character designed for use upon a particular subject are exempt from filing. [Ark Code Ann. § 23-79-109]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for	Limits	Amounts of Insurance	Deductibles
	(primary/excess)		

Exposure Identification	Class	Territory	Location of Risks
-------------------------	-------	-----------	-------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

CALIFORNIA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- There are no exempt commercial lines for forms or rates in California per the DOI.
- There are no other forms of commercial deregulation in California.

II. (A) Rates and Individual Risk Rates

- (A) rates and individual risk rates are not allowed in California (per T.McKay at DOI).
- It might be possible to use individual risk rates if they are filed for prior approval. The Department recommends flexibility be built into rate filings to avoid individual risk rates.

Filing and Record Keeping Requirements

- Any individual risk rates must be filed for prior approval.
- Each rate deviation must be supported by objective factual information and data applied objectively and reasonably.
- Rates that deviate 25% or more from filed rates will be presumed unfairly discriminatory unless supported by convincing factual evidence to the contrary.
- Insurers must maintain records with relevant documentation supporting rate deviations.

III. Consent to Rate

Consent to Rate is only allowed for Workers' Compensation. [CA. Ins. Code § 11735]

Filing Requirement Filing and Record Keeping Requirements

- A written application (*see attached Consent to Rate Form*), stating reasons for the excess rate, must be filed with the Commissioner.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, pursuant to case law, manuscript endorsements which impact the rating provisions of the insurance contract must be filed with the DOI.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

COLORADO
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- There is commercial exemption (**for forms only**) in Colorado for all property and casualty forms, except for workers' compensation, private passenger auto, commercial auto with individually owned private passenger autos, claims-made liability and credit insurance. [Bull. 8-01]
- There is commercial deregulation (**for rates**) for policies issued to Exempt Commercial Policyholders. [Col. Ins. Code §§ 10-4-1401-404, 10-5-101.1-106] This does not apply to Type I insurance (defined below); title insurance; and workers' compensation insurance, including, without limitation, the expense and profit components of workers' compensation insurance. [5-1-13 § 4] Per B.Baca at DOI.
- An **Exempt Commercial Policyholder (ECP)** is an insured who procures Type II insurance (defined below), except for workers' compensation and title, through a Risk Manager employed or retained by it and meets at least one of the following:
 - 1) Aggregate premiums of \$50,000 for Type II insurance;
 - 2) Net worth of \$10 million;
 - 3) Net revenues or sales of \$10 million;
 - 4) 25 employees;
 - 5) Nonprofit budget of \$2.5 million;
 - 6) Public entity budget of \$10 million; or
 - 7) Municipalities of at least 20,000 people.
- **Type II insurance** includes fire, casualty, inland marine, title, medical malpractice by a joint underwriting association, credit. For purposes of ECP's, Type II excludes Workers' Compensation and Employer's Liability incidental thereto and title insurance.
- **Type I insurance** includes Workers' Compensation and Employer's Liability incidental thereto for any pure premium rate filed by a rating organization (i.e. NCCI filing without company multipliers) or Assigned Risk Auto.
- A **Risk Manager** is an employee of the exempt commercial policyholder, or a third-party consultant retained, who provides skilled services in loss prevention and reduction, etc., and who possesses at least one of the following credentials: degree in risk management, CPCU, ARM, CRM, FRM or at least 7 years of experience.

Filing and Record Keeping Requirements

- All forms, except for those noted above, are exempt from filing.
- Rates are exempt from filing only for policies sold to ECPs.
- Whenever an insurer delivers a commercially deregulated policy or binder, the insurance producer, or the insurer in the case of a direct procurement from the insurer, shall obtain from the policyholder a written certification on a form created by the insurer, dated and signed by a senior officer or senior manager of the policyholder, and the policyholder's risk manager, containing the following information and making the following certifications:
 - 1) The name of the insured;
 - 2) The name of the insurer;
 - 3) The name of the insurance producer who sold the policy or policies;
 - 4) The policy number or numbers;
 - 5) A brief description of the policy or policies of Type II insurance sold;
 - 6) List the requirement set forth in Section 4, Rules, A. 3. above that the policyholder meets in qualifying as an ECP; and
 - 7) Certification that the policyholder qualifies as an ECP as defined pursuant to § 10-4-1402, C.R.S., and the rules of the Commissioner promulgated thereunder.

- The insurer shall keep this certification on file for inspection by the Commissioner.
- At the time of soliciting an ECP to purchase any kind of Type II insurance, the insurance producer, or the insurer in the case of a direct procurement from the insurer, shall disclose to the policyholder and the policyholder's risk manager, on a form created by the insurer, that a premium or rate may be quoted or a policy form may be used that is not subject to the rate and form filing requirements of the Colorado Division of Insurance.
- Any commercially deregulated policy shall conspicuously place on the declaration page of the policy, and if a binder is issued, on the face of the binder, the following disclosure in at least ten-point, bold-faced type:
THE RATES, RATING PLANS, RESULTING PREMIUMS, AND THE POLICY FORMS FOR THIS POLICY ARE EXEMPT FROM THE FILING REQUIREMENTS UNDER COLORADO INSURANCE LAW AND THE RULES OF THE COLORADO INSURANCE COMMISSIONER.
- An insurer shall maintain for five years its records: any data, statistics, rates, rating plans, rating systems, and underwriting rules used in underwriting and issuing such policies; claims-made policy forms; annual experience data on each risk insured, including, but not limited to, written premiums, written premiums at a manual rate, paid losses, outstanding losses, loss adjustment expenses, underwriting expenses, underwriting profits, and profits from contingencies; and complaint information required under Colorado Insurance.

Commercial Deregulation – Additional Exemptions:

The following statutory provisions of CO Title 10, Insurance, do not apply to insurance issued to **Exempt Commercial Policyholders:**

- Cancellation of medical malpractice policies [Col. Ins. Code §10-4-107];
- Notice of cancellation of medical malpractice policies [Col. Ins. Code §10-4-108];
- Nonrenewal of medical malpractice policies [Col. Ins. Code §10-4-109];
- Notice of intent prior to unilateral increase in premium or decrease in coverage previously provided in medical malpractice policies [Col. Ins. Code §10-4-109.5];
- Notice of intent prior to cancellation of certain commercial policies of insurance [Col. Ins. Code §10-4-109.7];
- Notice of intent prior to nonrenewal of certain commercial policies of insurance [Col. Ins. Code §10-4-110];
- Notice of intent prior to unilateral increase in premium or decrease in coverage previously provided of certain policies of insurance [Col. Ins. Code §10-4-110.5];
- Standards for rates – competition – procedure – requirement for independent actuarial opinions regarding 1991 legislation [Col. Ins. Code §10-4-403];
- Rate administration [Col. Ins. Code §10-4-404];
- Rating plans – property and casualty type II insurers – rules [Col. Ins. Code §10-4-404.5];
- Examinations [Col. Ins. Code §10-4-414];
- Claims-made policy forms (certification of by Insurer) [Col. Ins. Code §10-4-419];
- Notice of rate increases and decreases [Col. Ins. Code §10-4-421]; and
- Conditions for export (diligence efforts in connection with surplus lines placements). [Col. Ins. Code §10-5-103]

II. (A) Rates and Individual Risk Rates

There is no statutory provision for (A) rates or individual risk rates. However, (A) Rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) Rates and individual risk rates do not have to be filed. [ISO Manual]
- Insurer must maintain complete underwriting files on how it determined the rate for any individual risk and make these filings available to the Commissioner.
- The insurer is not exempt from filing when it has developed an independent program of insurance or supplements to the Commercial Lines Manual for specific underwriting purposes or to target specific market segments. [ISO Manual]

III. Consent to Rate

- Consent to rate is allowed only for Type I Insurance Lines (only pure Rating Organization filed (i.e. NCCI) rates for Workers' Compensation and Employers' Liability incidental thereto and Assigned Risk Motor Vehicle Insurance). [Col. Ins. Code § 10-4-405(5)] (Per B.Baca at DOI).
- This does not apply to Workers' compensation rates which include the insurer's multiplier.

Filing and Record Keeping Requirements

- Insurer must submit an application (*see attached Consent to Rate Form*) for prior approval by the Commissioner.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, per the DOI, manuscript forms have to be filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

CONNECTICUT
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine risks are by general custom of the business not filed (**forms and rates**).
- Fidelity, surety, and guaranty forms are also exempt from filing. [CT Ins. Code § 38a-676]
- There are no other forms of commercial deregulation in Connecticut.

II. (A) Rates and Individual Risk Rates

There is no statutory provision for (A) rates or individual risk. However, (A) rates and individual risk rates are allowed (contact State Filings for (A) rate lines). [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [ISO Manual]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.

III. Consent to Rate

Consent to rate is allowed for No-Fault Auto only. [CT Ins. Code § 38a-387(d)]

Filing and Record Keeping Requirements

A written application of the insured must be filed with and approved by the Commissioner (*see attached Consent to Rate Form*).

IV. Manuscript Endorsements

The form of any endorsement modifying an insurance policy or contract has to be filed. [CT Ins. Code § 38a-676]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

_____.

Insured's Signature

Authorized Representative's Signature

Date

Date

DELAWARE
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds and specially rated inland marine risks are exempt from form filing. [Del. Ins. Code 18 § 2712]
- Inland marine risks are exempt from rate filing. [Del. Ins. Code 18 § 2504]
- There is commercial deregulation (**for rates only**) for policies issued in Delaware on Delaware Large Risks which produce an annual premium of \$100,000 or more except for the following lines [Del. Ins. Code § 18-2505, Reg. 43 et. seq.]:
 - Workers' Compensation;
 - Medical Malpractice; and
 - Any form of group policy where certificates of insurance are issued and which presently requires filing in accordance with 18 Del.C.Ch. 25B.

Filing and Record Keeping Requirements

- Rates for Large Risks, as set forth above, do not have to be filed. All forms must still be filed.
- Each insurer issuing a rate exempt policy shall maintain a complete record of the rates employed, rate manuals, classification plans and all related materials needed to determine the rate developed for the policy for inspection by the Commissioner, the policyholder, or any person interested for a period of three years after policy cancellation.

Commercial Deregulation – Additional Exemptions:

There are no additional exemptions for **Large Risks**.

II. (A) Rates and Individual Risk Rates

There is no statutory provision for (A) rates or individual risk rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. ISO Manual.
- When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request. ISO Manual.

III. Consent to Rate

- Consent to rate is allowed for all property and casualty lines, including workers' compensation. [Del. Ins. Code §§ 2502(1), 2509 and 2615; Reg. 33 § 3, 4]
- This does not apply to reinsurance, except joint reinsurance, ocean marine, aircraft hull and aviation, life and title. [Del. Ins. Code § 2502]

Filing and Record Keeping Requirements

- A written application of the insured (*see attached Consent to Rate Application*) must be filed with and approved by the Commissioner.
- Consent-to-rate applications must be filed with the Department no later than 15 calendar days after the effective date of coverage. The consent to rate form may be disapproved by the Commissioner.
- Forms must be issued in triplicate by the agent or broker requesting approval for "excess" rates: one for the applicant, one for the producer's records, and the original for the Commissioner's records.
- All copies must be signed by the applicant indicating acknowledgment and acceptance of the rate.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Policies, riders, endorsements, or forms of unique character designed for use upon a particular subject are exempt from filing. [Del. Ins. Code 18 § 2712]

DELAWARE CONSENT-TO-RATE APPLICATION FORMAT

TO: INSURANCE COMMISSIONER
STATE OF DELAWARE
21 THE GREEN
DOVER, DELAWARE 19901
ATTN: RATING SECTION

Pursuant to 18 Del. C. § 2509, and in accordance with Regulation 33, the following information is submitted, seeking approval for the coverage at the rate indicated.

1. Risk identification

- a. Name of Insured/Risk _____
Address _____
- b. The location of the risk _____

- c. The type of insurance (description of coverage to be provided) _____

- d. Limits of liability _____

- e. Dates of coverage: From _____ To _____
- f. Insurer providing coverage _____
- g. Rates: 1. Total manual rate for this risk \$ _____
2. Total proposed rate for this risk \$ _____
- h. For personal lines: Was this risk submitted for consideration by the Delaware Automobile Insurance Plan (Assigned Risk)/Delaware FAIR Plan? _____
If not, state reason why not _____

2. Producer's statement

- a. Name of Producer _____
Business Address _____
Telephone Number _____

b. Description of circumstances which cause the risk to be regarded as another than ordinary risk subject to regular rates as filed.

(Be specific in this statement. Remarks in the nature of "class of business" or "type of risk" will not be adequate to review the request for an excess rate)

PRODUCER'S CERTIFICATION

Pursuant to Regulation 33, I certify that I have informed the applicant/risk to be insured of the circumstances regarding the risk, and, further, that I have informed the insured of the excess rate and of the premium to be applied, as reflected above, by _____, for covering the risk.

(Name of Insurer)

Date: _____

Signature

(Typed or Printed Name)

3. Insured's Statement

I have been advised of and understand the contents of this application for a consent-to-rate in excess of the rate otherwise applicable. I request that the proposed rate and resulting premium be approved, pursuant to 18 Del. C. 2509.

Date: _____

Signature

(Typed or Printed Name)

Date: _____

Witness Signature

(Typed or Printed Name)

DISTRICT OF COLUMBIA

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine risks are exempt from rate filing. [Ins. Code § 31-2704]
- The District of Columbia has commercial deregulation for rates and forms in the form of “exempt commercial risks” defined by Act 14-331 and §31-2701 as a person or entity meeting one of the following criteria;
 - Retains or employs a certified or qualified risk manager to negotiate insurance coverage;
 - Possesses a net worth in excess of \$2 million;
 - Generates annual revenues in excess of \$2 million;
 - Has at least 10 employees
 - Pays annual aggregate country-wide standard insurance premiums exceeding \$10,000
 - Has a total insured property value of at least \$2 million; or
 - Is a nonprofit organization or public body generating annual budgeted expenditures of at least \$5 million.
- The above provisions do not apply to workers’ compensation insurance and employers liability (31-2701, 31-2714)

II. (A) Rates and Individual Risk Rates

There is no statutory provision for (A) rates or individual risk rates. However, (A) rates and individual risk rates are allowed (contact State Filings for AIG (A) rate filings or see ISO Manual). [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates must be individually filed 90 days before the effective date, unless the insurer has filed a schedule of rate ranges using insurer’s own rates or ISO Estimated Loss Potentials (ELP) and a company multiplier, representing the company’s expenses, profit and investment income. The schedule may allow for rate ranges of +- 25% (*see* ISO Manual).
- Individual risks must be individually filed within 30 days after the effective date.

III. Consent to Rate

- Consent to rate is allowed on all property and casualty lines, including workers’ compensation. [Ins. Code §§ 31-2702, -2703(g)]
- This does not apply to ocean marine; title; accident and health; aviation and aircraft; and insurance issued to self-insurers and insuring against loss in excess of at least \$10,000 resulting from any one accident or event, except when rates therefor are made by a rating organization.

Filing and Record Keeping Requirements

- A written application (*see attached Consent to Rate Form*) of the insured must be filed with and approved by the Commissioner.
- Rates must still be reasonably calculated.
- For automobile insurance, a written waiver of the DCAIP (District of Columbia Automobile Insurance Plan) rate must be obtained from the insured before the effective date of the policy.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. According to D.O.I., they generally don’t have to be filed if it is between the parties. If it affects the general public then the forms will have to be filed.

Filing and Record Keeping Requirements

- All policies issued to exempt commercial policyholders shall include a notice that the rate and policy form are not subject to filing, review, or approval of the requirements of the commissioner. (31-2714)

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

FLORIDA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds and inland marine are exempt from form filing. [FL § 627.410]
- Commercial inland marine is exempt from rate filing. [FL § 627.021]
- Florida has a type of commercial deregulation (**for rates only**) for Large Commercial Risks. An insurer may “individually rate” policies involving Large Commercial Risks for all lines of property, casualty, and surety insurance except private passenger automobile, homeowners, and workers compensation. The characteristics of a large commercial risk shall be deemed sufficient for it to be eligible for individual risk rating.

Large Commercial Risks [Rule 4-170.019] are risks which meet 2 or more of the following conditions:

- 1) Has at least 500 full-time employees or their equivalent;
- 2) Had net revenue of at least \$100 million in the latest fiscal year as reported in audited financial statements.
- 3) Had a net worth of at least \$50 million in the latest fiscal year as reported in audited financial statements.
- 4) Pays property/casualty insurance premiums of at least \$500,000 in total for the following types of insurance: Commercial property; Commercial auto; and Commercial general liability
- 5) Procures insurance through a certified risk manager who has one of the following credentials: ARM, CPCU, CRM, FRM, BA or higher degree in Risk management or at least 7 years of experience in risk financing, claims administration, loss prevention, or risk and insurance coverage analysis.
- 6) Is a public entity with over 50,000 population.
- 7) Is a not for profit organization or public entity with minimal annual budget of 45 million.

Filing and Record Keeping Requirements

- The insurer must file quarterly lists of individually rated commercial risks, along with (A) rates and consent to rates, (*see attached* Form DI4-588) within 45 days of the close of each quarter. Insurers need not file quarterly reports if no such excess rate business is written. Except, Form DI4-588 must be filed if an insurer has not been required to file DI4-588 for four consecutive quarters because it had not written any Excess Rate or Individually Rated Risk business during these quarters.
- An insurer must maintain documentation to show that the risk meets the definition of a large commercial risk for a period of at least five years from the effective date of the policy.

Commercial Deregulation – Additional Exemptions:

The following provision of FL Administrative Code, Title 4, Department of Insurance, does not apply to insurance issued to **Large Commercial Risks** that are individually rated:

- Rating Plans – discounts, credits, surcharges. [FAC Rule 4-170.004]

II. (A) Rates and Individual Risk Rates

- (A) rates and individual risk rates are allowed.
- Individual risk rates are allowed except for private passenger automobile, homeowners, and workers compensation. [Bull. 92-38, Rule 4-170.019, Rule 4-137.008]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates do not need to be individually filed. [FL § 627.062(3)(a); Rule 4-170.019]
- However, the insurer must file quarterly lists of Individual Risk and (A) Rates and any Consent to Rates (*see attached* Form DI4-588) within 45 days of the close of each quarter. Insurers need not file quarterly reports if no such excess rate business is written.

- Except, Form DI4-588 must be filed if an insurer has not been required to file DI4-588 for four consecutive quarters because it has not written any Excess Rate or Individually Rated Risk business.
- In addition, the insurer shall maintain complete underwriting files on each risk subject to (A) rate or individual risk.
- The documentation must identify the named insured, the policy number, the annual statement line, the classification of the risk, any special characteristics of the risk, the reason why the risk is being individually risk rated, including any modifications to existing approved forms to be used on the risk.
- The insurer must maintain these records for a period of at least 5 years after the effective date of the policy.

III. **Consent to Rate**

- Consent to rate is allowed for all property and casualty lines. [FL §§ 627.171, 627.021]
- However, insurers may not use excess rates for more than 10% of their commercial insurance policies written or renewed in each calendar year for any line of commercial insurance.
- This does not apply to reinsurance, ocean marine, aircraft hull and aviation, commercial inland marine, surplus lines or health. [FL § 627.021]

Filing and Record Keeping Requirements

- Individual Consent to Rates need not be filed.
- However, the insurer must file a list of Consent to Rates, along with any (A) rates or individual risk rates, on a quarterly basis (*see attached* Form DI4-588) within 45 days of the close of each quarter.
- As noted above, insurers need not file quarterly reports if no such excess rate business is written. Except, Form DI4-588 must be filed if an insurer has not been required to file DI4-588 for four consecutive quarters because it has not written any Excess Rate or Individually Rated Risk business during those quarters.
- A copy of the application with the excess rate and the insured's signed consent must be kept on file and maintained by the insurer for 3 years and be made available for review by the Department. [Bulletin 92-38, FL § 627.171]

IV. **Manuscript Endorsements**

Policies, riders, endorsements or forms of unique character designed for use upon a particular subject are exempt from filing. [FL § 627.410]

**FLORIDA PROPERTY & CASUALTY - QUARTERLY REPORT
INDIVIDUALLY RATED RISKS
("A" RATES) - (CONSENT-TO-RATE - EXCESS RATE)**

	1st Quarter		2nd Quarter
	3rd Quarter		4th Quarter

Company has not been subject to filing this form for the past four consecutive quarters.

1. FEIN (Lead

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 -

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

)

2. Group Name: _____

3. Company Name: _____

4. Mailing Address: _____

5. Contact Person: _____
Phone Number: _____

6. Chief Executive Officer's Name: _____
Mailing Address: _____

7. Provide your FAX #: _____
800 number: _____

8. Total number of policies: _____

9. I certify that I am authorized to make this Individually Rated Risk/Consent-to-Rate filing on behalf of the company, further that the information contained in related transmittals and the filing is true, complete, correct and, to the best of my knowledge, in compliance with all applicable state laws.

Signature Date

Type Name Position with company (Title)

**FLORIDA DEPARTMENT OF INSURANCE
PROPERTY & CASUALTY
INDIVIDUALLY RATED RISK
QUARTERLY REPORT**

Company
Name: _____

Complete a separate report for each quarter beginning January 1 (1st quarter of January, February, March, 1993). The first report due May 15, 1993. The reports are due 45 days after the close of each quarter.

INDIVIDUALLY RATED ("A" RATE)

Total Number of Policies
Individually
Rated ("A" Rate) _____

Total Direct Written Premium
("A" Rate) _____

CONSENT-TO-RATE (EXCESS RATE)

Total Number of Policies
Individually
Rated (Consent-to-Rate) _____

Total Direct Written Premium
(Consent-to-Rate) _____

GEORGIA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds and specially rated inland marine risks are exempt from form filing. [GA § 33-24-9]
- Georgia has commercial deregulation (**for rates only**) for policies involving Large Commercial Risk. [Reg. 120-2-77 et. seq.]
- The following premiums shall not be considered when determining a Large Commercial Risk:
 - Premiums written by unauthorized insurers;
 - Primary and/or excess workers' compensation premiums;
 - Premiums from coverages using uncontrolled rates, like certain inland marine, ocean marine and aviation;
 - Employee benefit premiums;
 - Premiums from errors and omissions coverages including medical malpractice;
 - Accident and sickness premiums; and
 - Any premiums for coverage provided by residual market mechanisms.
- **Large Commercial Risk** is a single entity or a combination of legal entities controlled by the same person or group of persons by majority interest in such entities, which satisfy all of the following criteria:
 - 25 or more full-time employees at the time of application;
 - Assets in excess of \$3 million at the time of application;
 - Annual revenues in excess of \$5 million; and
 - (a) Annual property and casualty premium threshold from Georgia operations in excess of \$100,000; or
(b) An annual written property and casualty premium threshold for risks having multi-state locations or operations in excess of \$500,000.

Filing and Record Keeping Requirements

- Rates for Large Commercial Risks are exempt from filing.
- Forms for Large Commercial Risks are still subject to filing.
- Each insurer shall maintain records concerning all data, statistics, or underwriting rules. Such information shall also be reported through a recognized statistical agency or advisory organization. As a minimum requirement, an insurer shall maintain annual experience on number of risks, written premiums, written premiums at manual level, paid losses, and outstanding losses. [Reg. 120-2-77-.06]
- Each policy issued to a large commercial risk shall include a disclaimer with the following language:
"The rates, rating plans, or resulting premiums provided for in this policy are exempt from the filing and approval requirements of the Office of Commissioner of Insurance."

Commercial Deregulation – Additional Exemption:

Rates for Large Commercial Risks are exempt from filing*:

- Filed manual rates, rating plans, rating systems or underwriting rules [Reg. 120-2-77-.05].

*However, rates are **not** exempt from filing for the following types of insurance:

- Primary or excess workers compensation;
- All errors and omissions insurance; and
- Medical malpractice insurance.

II. (A) Rates and Individual Risk Rates

(A) rates and individual risk rates are allowed (contact State Filings for AIG (A) rate filings or see ISO Manual). [Dir. 91-PC-26]

Filing and Record Keeping Requirements

- All (A) rates, (A) factors for increased limits and excess liability, commercial umbrella rates and/or rating systems, and plans or methodologies used to develop such rates must be filed with the Department within 30 days after the effective date of the policy.

- An (A) rate “may not depart by more than 50% upward or 50% downward from the suggested (A) rates, (A) factors, or other excess and umbrella rates or factors unless these departures are filed with the Commissioner.
- An insurer may file each (A) rate, that does not conform to the 50% range above, within 30 days of the date the policy is issued. However, a consolidated list of all policies [over or under the 50% factor] is preferred. The list shall include the name of the insured, policy number, effective date, issue date, nature of coverage, class code, exposure unit, rate or factor used, and the percentage of departure if applicable. The list shall be submitted 30 days after each calendar year quarter and shall be inclusive of all policies issued within the quarter containing (A) rates or (A) factors not conforming to the above requirements.
- The insurer may, instead of doing individual (A) rate filings, file a schedule of rate ranges using insurer’s own rates or ISO Estimated Loss Potentials (ELP) and a company multiplier, representing the company’s expenses, profit and investment income. The schedule may allow for rate ranges of +/- 50% (*see ISO Manual*).
- Individual risk rates must be filed within 30 days after the policy is issued. The filing must include P&C Transmittal Form PC-T1). [See Department website.]

III. Consent to Rate

- Consent to rate is allowed for property & casualty lines, excluding workers’ compensation (per S. Manders at DOI).
- This does not apply to reinsurance, other than joint; life; disability income, specified disease, or hospital indemnity policies; ocean marine; aircraft hull and aviation; title or annuities. [GA § 33-9-3]

Filing and Record Keeping Requirements

- All consent to rates must be filed with the Commissioner prior to use of the rate (*see attached form or click on <http://www.inscomm.state.ga.us/Documents/consent-to-rate.pdf>*). The Commissioner has ten days to challenge. The attached form must be used for all consent to rate filings.
- For policies developing \$1,000 or less in premium, the rate must be filed prior to the effective date.
- For policies with premium exceeding \$1,000.00, a binder of coverage may be issued and the contract and rate deviation shall be filed within 20 days after the issuance of the binder. [Directive 91-PC-9, GA § 33-9-32]

IV. Manuscript Endorsements

Policies, riders, endorsements, or forms of unique character designed for use upon a particular subject are exempt from filing. [GA §33-24-9]

GEORGIA CONSENT TO RATE FORM

Name and Address of Insured

Name and Address of Insurance Company

Type of Policy

Policy Number

Effective Date

Expiration Date

The insured hereby gives consent as required by OGCA Section 3308032 for the Company to charge a rate, which is in excess of or lower than that rate otherwise applicable for this risk.

RATES AND PREMIUMS*

<u>Item No.</u>	<u>Amounts or Limits</u>	<u>Perils of Coverages</u>	<u>Rates Consented Manual</u>	<u>Premiums Consented Manual</u>
-----------------	--------------------------	----------------------------	-------------------------------	----------------------------------

Premium at Manual Rates \$ _____ Premium at Lower/Excess Rates \$ _____ Difference \$ _____

<u>Description of Risk*</u>	<u>Reason(s) that require Deviation form standard rate</u>	<u>Name and Address of Insurance Agency</u>
-----------------------------	--	---

CERTIFICATION

Agent: I have explained this form to Insured: and to the best of my knowledge and belief, the insured understands and accepts it.

Insured: I understand and accept the Excess/Lower rate indicated hereon

Signed _____

Signed _____

Date _____

Date _____

*Attach extra sheets

HAWAII
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- There are no statutory exemptions. However, forms are not generally filed except for certain automobile and workers' compensation according to the D.O.I.
- Inland marine risks are exempt from rate filing. [Ha. Ins. Code § 431:14-104]

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk rates. However, (A) rates and individual risk are allowed in Hawaii (contact State Filings for AIG (A) rate filings or see ISO Manual). ISO Manual.

Filing and Record Keeping Requirements

- All (A) rates must be filed for approval unless the insurer has filed a schedule of rates for approval.
- If there is a deviation from the filed schedule, individual (A) rate risks must be filed.
- Individual risk rates must be filed for approval.

III. Consent to Rate

- Consent to rate is allowed for all property & casualty lines, including workers' compensation. [Ha. Ins. Code §§ 431:14-102(a), 431:14-104(m)]
- This does not apply to reinsurance, other than joint reinsurance, disability, aircraft hull and aviation and ocean marine. [Ha. Ins. Code § 431:14-102(b)]

Filing and Record Keeping Requirements

- A written application (*see attached Consent to Rate Form*) of the insured, stating reasons for accepting the rate, must be filed and approved.
- Upon approval, rate is retroactive to the date of the application by insured.
- Written application shall be maintained in files.

IV. Manuscript Endorsements

There are no statutory provisions addressing manuscript forms. However, per the D.O.I., manuscript forms are not filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

IDAHO

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds and specially rated inland marine risks are exempt from form filing. [ID § 41-1812]
- There are no other forms of commercial deregulation in Idaho.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates exempt from filing. [ISO Manual]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.

III. Consent to Rate

Consent to rate is allowed only for workers' compensation. [ID § 41-1613]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) of the insured stating reasons for acceptance of the rate must be filed with and approved by the Director. [ID § 41-1613 (WC)]
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Policies, riders, endorsements, or forms of unique character designed for use upon a particular subject are exempt from filing. [ID § 41-1812]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

ILLINOIS
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- There are no **rate** filings except for the following lines:
 - Motor Vehicle (includes only Private Passenger Automobiles, Taxicabs, and Motorcycles);
 - Homeowners including Mobile Homeowners;
 - Dwelling Fire and Allied Lines;
 - Liquor Liability [50 Ill. Adm. Code 754.10]; and
 - Workers Compensation and Employers Liability. [§215 ILCS 5/455 et seq.]
- Surety contracts and fidelity bonds are exempt from form filing. [§215 ILCS 5/143]
- Marine and transportation are not exempt from form filing (except for policies issued to industrial insureds). [50 Ill. Adm. Code 753.10, §215 ILCS 5/143]
- There is commercial deregulation (**for forms**) for policies issued to Industrial Insureds for all lines except for workers compensation. [§215 ILCS 5/143]
- An Industrial Insured is an insured:
 - (a) which procures the insurance of any risk or risks other than life and annuity contracts by use of the services of a full time employee acting as an insurance manager or buyer or the services of a regularly and continuously retained qualified insurance consultant;
 - (b) whose aggregate annual premiums for insurance on all risks, except for life and accident and health insurance, total at least \$100,000; and
 - (c) which either (i) has at least 25 full time employees, (ii) has gross assets in excess of \$3,000,000, or (iii) has annual gross revenues in excess of \$5,000,000. [215 ILCS 5/121.2.08]

II. (A) Rates and Individual Risk Rates

- (A) rates and individual risk rates are allowed.
- (A) rates are allowed for individual risks, which cannot be rated in the normal course of business rating because of special or unusual characteristics and which must be rated on the basis of underwriting judgment. [Reg. 754.30(a), 50 Ill Adm. Code § 2902.60]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [ISO Manual]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request. [Reg. 754.30]

III. Consent to Rate

Consent to rate is allowed for property and casualty, excluding workers' compensation. [Reg 754.30 per DOI interpretation and 754.30(1)]

Filing and Record Keeping Requirements

- Consent to rate need not be filed.
- Insurer must maintain complete files on how it determined the rate and make these files available to the insurance department upon request. Use attached Consent to Rate Form and keep in file.

IV. Manuscript Endorsements

Riders or endorsements prepared to meet special, unusual, peculiar, or extraordinary conditions applying to an individual risk are exempt from filing. (Note that this applies to riders and endorsements but not to the policy form itself.) [§ 215 ILCS 5/143]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

INDIANA

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine risks are exempt from rate filing. [IN Ins. Code § 27-1-22-4]
- Indiana has commercial deregulation **for rates and forms** for all policies issued to Exempt Commercial Policyholders except for workers' compensation and professional liability insurance. [IN Ins. Code §§ 27-1-20-34, 27-1-22-2.5, 27-1-22-4, Bulletin 94, http://www.ai.org/idoi/rate_form_filing/propertystandards.html]
- **Exempt Commercial Policyholder** (ECP) means an entity that:
 1. Makes written certification to the insurer that the entity is an ECP;
 2. Purchases an insurance policy through a licensed insurance agent; and
 3. Meets any 3 of the following criteria:
 - Net worth of more than \$25 million at time of policy issuance;
 - Net revenue or sales more than \$50 million in preceding fiscal year;
 - More than 25/50 employees per company/holding company at policy issuance;
 - Aggregate commercial insurance premiums, excluding workers' compensation and professional liability insurance premiums, of more than \$75,000 in preceding fiscal year;
 - Non-profit or public entity with annual budget or assets more than \$25 million; or
 - Procures commercial insurance with the services of a risk manager.
- A **Risk Manager** means a person qualified to assess an ECP's insurance needs and analyze and negotiate a policy of insurance on behalf of an ECP. A risk manager may be (1) a full-time employee of an ECP who is qualified through education & experience or training & experience; or (2) a person retained by an ECP who holds a professional designation relevant to the type of insurance to be purchased by the ECP.
- The insurer must have at least an (A) rating from A.M. Best.

Filing and Record Keeping Requirements

- Rates for policies issued to ECPs are exempt from filing. Forms must still be filed.
- Insurer must file an annual report (*see attached*) with the Department by February 1st of each year reporting policies issued to ECPs. [IN Ins. Code § 760:1-65-2]

Commercial Deregulation – Additional Exemptions:

There are no additional exemptions for ECPs.

II. (A) Rates and Individual Risk Rates

(A) rates and individual risk rates are allowed (contact State Filings for AIG (A) rate filings or see ISO Manual). [IN Ins. Code § 27-1-22-3(a)(2)]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates must be filed on or before the effective date. Filing should include factors used in determining rate or classification for the risk. [IN Ins. Code 27-1-22-4]
- Instead of filing individual (A) rates, an insurer may file a schedule of rates. If a particular risk does not fall within the schedule or rates or deviates +/- 50% from the schedule, the risk must be filed.
- For individual risk rates, filing is not required unless the rate deviates by +/- 50% from the filed rate.
- The insurer must maintain complete underwriting files for each classification for the risk and make these available to the Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty lines, excluding workers' compensation. [IN Ins. Code § 27-1-22-4(j)]
- This does not apply to reinsurance, other than joint reinsurance; accident and health; ocean marine, aircraft hull and aviation; worker's compensation and abstract and title insurance.

Filing and Record Keeping Requirements

- Insured must file written application (*see attached Consent to Rate Form*) with the Commissioner.
- The application shall be maintained in files.

IV. Manuscript Endorsements

There are no statutory provisions addressing manuscript forms. However, according to the D.O.I., manuscript forms have to be filed.

INDIANA CERTIFICATION OF EXEMPT COMMERCIAL POLICYHOLDER STATUS

Pursuant to Indiana Code 27-1-22-2.5 The undersigned, on behalf of _____, (the "Insured") certifies to _____ (the "Insurer") that the Insured is an Exempt Commercial Policyholder under Indiana law. Insurer may sell a commercial insurance policy to an Exempt Commercial Policyholder without filing the rate and corresponding policy form with the Indiana Department of Insurance. The policy and rate must comply with Indiana law, and complaints or questions about compliance may be directed to the Indiana Department of Insurance.

In order to be an Exempt Commercial Policyholder, the Insured must:

1. Execute this Certification and return it to the Insurer
2. Purchase the insurance policy through an insurance agent licensed in Indiana.
3. Meet 3 of the following (check all that apply).
 - _____ Net worth of more than \$25,000,000 at the time the insurance policy is issued.
 - _____ Net revenue or sales of more than \$50,000,000 in the Insured's preceding fiscal year.
 - _____ More than 25 full-time employees per individual company or 50 full-time employees per holding company aggregate at the time the insurance policy is issued. (Indiana and non-Indiana employees may be counted).
 - _____ Aggregate annual commercial insurance premiums, excluding worker's compensation and professional liability insurance premiums, of more than \$75,000 in the Insured's preceding fiscal year. Premium is calculated after any credits, discounts or other reductions are applied.
 - _____ Nonprofit or public entity with an annual budget of \$25,000,000 or assets of at least \$25,000,000 in the Insured's preceding fiscal year.{Footnote 1}
 - _____ Procures the policy with the services of a risk manager. A risk manager is a person qualified to assess an exempt commercial policyholder's insurance needs and analyze and negotiate a policy of insurance on behalf of the policyholder.

A risk manager may be a full-time employee of the policyholder who is qualified through education and experience or through training and experience. A risk manager may also be a person retained by the policyholder who holds a professional designation, such as CPCU, relevant to the type of insurance to be purchased. A retained risk manager must, in advance of providing services, disclose in writing to the policyholder the services to be performed and any commissions or fees the risk manager might receive from the insurer. The risk manager must receive from the policyholder written acknowledgment of the disclosures made by the risk manager.

Signed: _____ Title: _____

Printed: _____ Date: _____

{Footnote 1} An insurance company that insures a public entity as an exempt commercial policyholder must maintain at least an (A) rating by A.M. Best or equivalent rating by another independent insurance rating organization.

REPORT ON SALES TO EXEMPT COMMERCIAL POLICYHOLDERS

Insurer name: _____
State of domicile: _____
NAIC number: _____
Policyholder identification number: _____

Complete requested information for each commercial insurance policy, excluding workers' compensation and professional liability insurance sold to the exempt commercial policyholder during the reporting period:

1. Annual net policy premium:	2. Inception date and expiration date of the policy:	3. List by number each criterion from 760 IAC 1-65-1(f) that was used to establish the insured as an exempt commercial, policyholder (must include at least three criteria for each policyholder)
-------------------------------	--	---

Policy: _____ Inception: _____
Expiration: _____

Policy: _____ Inception: _____
Expiration: _____

Policy: _____ Inception: _____
Expiration: _____

Policy: _____ Inception: _____
Expiration: _____

Fee submitted _____ (# of policies, excluding workers' compensation and professional liability insurance multiplied by Indiana product filing fee equal to the greater of \$35 or home state product filing fee for property/casualty filing)

Signature: _____

Printed name and title: _____

Phone number: _____

E-mail address: _____ Signature: _____

Printed name and title: _____

Phone number: _____

E-mail address: _____

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

IOWA

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- The following lines of insurance are exempt from form filing: [IA Ins. Code § 191-20.11]
 - Aircraft hull and aviation liability
 - Difference-in-conditions
 - Kidnap-ransom
 - Political risk
 - Reinsurance
 - Terrorism
 - War risk
 - Weather insurance
- Inland marine is exempt from rate filing. [§ 515F.5]
- There are no other forms of commercial deregulation in Iowa.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates or and individual risk rates. However, (A) Rates and individual risk rates are allowed.

Filing and Record Keeping Requirements

- Rates and individual risk rates need not be filed. [ISO Manual]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request. [ISO Manual]

III. Consent to Rate

- Consent to rate is allowed for all commercial property and casualty lines [IA Ins. Code § 515F], including workers' compensation [IA Ins. Code § 515A.4(7)]
- This does not apply to reinsurance, accident and health and ocean marine. [IA Ins. Code § 515F.3]

Filing and Record Keeping Requirements

- A written application (*see attached Consent to Rate Form*) must be filed with and approved by the Commissioner. [IA Ins. Code §§ 515A.4(7), 515F]
- Insurers may also offer consent to rates for those workers' compensation insureds, who have been in the assigned risk pool for one or more years. These filings should include the: (1) name and address of the insured; (2) number of years insured in the assigned risk pool; (3) experience mod worksheet; (4) assigned risk premium; and (5) proposed premium. [Bull. 96-5]
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Manuscript policies and endorsements issued to not more than two insureds in Iowa are exempt from filing. [IA Ins. Code § 191-20.11]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

Insured's Signature

Authorized Representative's Signature

Date

Date

KANSAS
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds, marine and inland marine forms are exempt from form filing requirements. [KS Ins. Code § 40-3-32]
 - Inland marine is exempt from rate filing. [KS Ins. Code § 40-955]
 - Kansas has commercial deregulation (**for rates only**) for certain commercial risks. Workers' compensation and employer liability are not commercially deregulated. The following commercial lines risks are commercially deregulated for rates:
 - (1) Risks that are written on an excess or umbrella basis;
 - (2) Commercial risks, or portions thereof, that are not rated according to manuals, rating plans, or schedules including (A) rates*;
 - (3) "Large Risks"; and
 - (4) Special risks designated by the commissioner, including but not limited to:
 - Risks insured under highly protected risks rating plans;
 - Commercial aviation;
 - Credit insurance;
 - Boiler and machinery;
 - Inland marine; and
 - Fidelity, surety and guarantee bond insurance risks.
- * (A) rates as referred to in this exemption refer to published (A) rates, as recorded in a published manual.
- **Large Risk** means:
 - An insured that has total insured property values of \$5,000,000 or more;
 - An insured that has total annual gross revenues of \$10,000,000 or more;
 - An insured that has in the preceding calendar year a total paid premium of \$50,000 or more for property insurance, \$50,000 or more for general liability insurance, or \$100,000 or more for multiple lines policies. [KS Ins. Code § 40-955(i)]
 - Large risks do not include any workers' compensation and employer's liability insurance, insurance purchasing groups, and basic coverage of professional liability insurance.

Filing and Record Keeping Requirements

- Rates for these commercially deregulated risks need not be filed.
- Forms for these risks must still be filed.
- Underwriting files, premium and expense statistics, and financial and other records pertaining to special risks, shall be maintained by the insurer and shall be subject to inspection by the Commissioner.

Commercial Deregulation – Additional Exemptions

There are no additional exemptions for **Large Risks**.

II. (A) Rates and Individual Risk Rates

(A) Rates and individual risks are allowed. [KS Ins. Code § 40-955(h)]

Filing and Record Keeping Requirements

- KS Ins. Code 40-955 provides that "commercial risks, or portions thereof, that are not rated according to manuals, rating plans, or schedules including (A) rates" are exempt from rate filing requirements.
- Insurer using (A) and individual risk rates shall maintain "underwriting files, premium, loss and expenses statistics, financial and other records" for five years. [KS Ins. Code § 40-3-26]

III. Consent to Rate

- Consent to rate is allowed for property and casualty lines, including workers' compensation. [KS Ins. Code §§ 40-954(d), 40-3-25, 40-3-26]
- This does not apply to reinsurance, accident and health, insurance against loss of or damage to, or against liability arising out of the ownership, maintenance or use of any aircraft. [KS Ins. Code § 40-952]

Filing and Record Keeping Requirements

- A written application must be filed with the Department for approval within 10 days after the effective date of coverage.
- Each individual risk filing will be accompanied by the following justification:
 - 1) Information demonstrating what factors prevent the insurer from developing manual rates for the policy program or classification of risks.
 - 2) Information demonstrating why, even though a manual rate cannot be filed, the rate/premium cannot be filed prior to the effective date of the policy which includes the coverage program or classification of risks.
 - 3) A written procedure specifying how the proposed rate/premium development for the policy program or classification of risk will not be applied in an unfairly discriminatory manner.
 - 4) The method to be utilized to file statistical information for the policy program or classification of risk. Kind of Insurance Classification Description.
- Each company issuing a fire and casualty insurance policy in this state with a premium rate that results from the insured's inability to obtain coverage in the normal market, shall include a statement on the application or policy form, signed by the applicant or named insured, that contains the following statement or one with similar wording:
 - (a) I am unable to obtain _____ (state kind) _____ insurance at normal rates and hereby request the issuance of this policy at rates in excess of normal rates.
 - (b) I have been unable to procure similar insurance at normal rates although my risk has been submitted to at least three other insurance companies authorized to transact insurance business in Kansas.
 - (c) (In the case of automobile liability insurance) I understand that liability limits sufficient to meet the financial responsibility requirements of the state may be available through the Kansas automobile insurance plan. (The foregoing statement is not applicable when the policy is issued through the Kansas automobile insurance plan.)
 - (d) (In the case of workmen's compensation and employers' liability insurance) I understand that I may obtain normal limits of liability insurance through a workmen's compensation and employers' liability assigned risk plan. (The foregoing statement is not applicable when the policy is issued through a workmen's compensation and employers' liability assigned risk plan.)
 - (e) (In the case of fire and extended coverage insurance) I understand that I may be able to obtain adequate fire and extended coverage insurance through the Kansas all-industry placement facility. (The foregoing statement is not applicable when the policy is issued through the Kansas all-industry placement facility.)

IV. Manuscript Endorsements

Aircraft hull or aircraft liability endorsement forms, restrictive endorsements and policy or endorsement forms prescribed by committee on surety bonds and insurance are exempt from filing. [KS Ins. Code § 40-3-32]

KENTUCKY
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Kentucky has commercial exemption (**for rates only**) for all commercial lines except workers' compensation, indemnity policies relating to automobile service contracts and credit insurance.
- Surety bonds and specially-rated inland marine risks are exempt from form filing. [KRS § 304.14-120]
- Kentucky also has commercial deregulation (**for rates and forms**) for policies issued to Industrial Insureds, Government Entity Insureds, and Exempt Commercial Policyholders (collectively referred to as "ECPs"). ECPs are exempt from the rate and policy form requirements of the insurance law. This does not apply to workers' compensation and automobile insurance. [Bull. 2001-3; KRS §§ 304.11-020, 304.11-050, 304.3-230]

An **Industrial Insured** is an insured that utilizes a risk manager (defined below) to purchase its insurance policies, and has aggregate annual premiums of at least \$25,000, has at least 25 employees.

A **Government Entity Insured** is an insured that is a government entity, municipal corporation or public agency located in a city or county having a population of less than 50,000, which utilizes a risk manager to purchase its insurance, has aggregate annual premiums of \$100,000 (excluding life, health, medical or annuities), has 50 employees, and meets any regulatory criteria promulgated by the commissioner.

An **Exempt Commercial Policyholder** is an insured that utilizes an agent or broker, and a risk manager, to purchase its insurance, and

1. Is a city, county or urban-county with a population of at least 50,000, or the Commonwealth, or a not-for-profit organization or public entity with an annual budget of at least \$25 million or assets of at least \$25 million, OR
2. Certifies that it meets the following 4 criteria:
 - Net worth of \$25 million;
 - Generates sales/revenue of more than \$50 million;
 - Has more than 100/200 employees per company/holding company; and
 - Has annual aggregate premiums in excess of \$500,000.

A **Risk Manager** is a person qualified to assess an ECP's insurance needs and analyze and negotiate a policy of insurance on behalf of an ECP. A risk manager shall be:

- a. A full-time employee of an ECP who holds a professional designation relevant to the type of insurance to be purchased by the exempt commercial policyholder; or
- b. A person retained by an ECP who holds a professional designation relevant to the type of insurance to be purchased by the ECP.

Filing and Record Keeping Requirements

- Commercial rates for all policies, except for workers' compensation, indemnity policies relating to automobile service contracts and credit insurance, are exempt from filing. [Bull. 2001-3(e)] Rates must still not be excessive, inadequate or discriminatory.
- Rates and forms for policies issued to all ECPs are exempt from filing.
- All industrial insureds, government entity insureds and ECPs shall reapply to the Commissioner for their respective insured status every 3 years, on a form promulgated by the Commissioner (see II-1 P & C, GEI-1 P&C, and ECP-1 P&C on Kentucky Department of Insurance website at <http://www.doi.state.ky.us/kentucky/search/rateform/> - select Property & Casualty).
- Prior to issuing a policy to an ECP, an insurer must obtain a copy of the approved Forms.
- Policies issued to an ECP shall contain a disclaimer similar to:

“The rate provided for in this policy is exempt from the filing and approval requirements of this section, Chapter 304 of the Insurance Code.”

Commercial Deregulation – Additional Exemptions:

The following provisions of the KRS Insurance Code, Title XXV, CH. 304, do not apply to insurance issued to ECPs:

- a. Exemptions to unauthorized insurer’s law [KRS § 304.11-020];
- b. Prohibitions; applicability of law; agent’s liability; commissioner’s power to enjoin [KRS §304.11-030];
- c. Service of process [KRS § 304.11-040]; and
- d. Jurisdiction over health benefit providers. [KRS § 304.11-045]

II. (A) Rates and Individual Risk Rates

(A) Rates and individual risk rates are allowed (contact State Filings for AIG (A) rate filings or see ISO Manual).

Filing and Record Keeping Requirements

- (A) rates and individual risk rates must be filed (*see attached Kentucky Application for Excess Rate and (A) Rate form*). [KRS 304.13-051 and –053 (per B. Thompson at DOI)] For (A) rates and individual risk rates, the application does not need to be signed by the insured.
- The insurer must file such rates with the Commissioner for approval within 10 days of the effective date.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers’ compensation (per T. Bertram at DOI – the DOI views workers’ comp as a must file line. The only exception made for an individual workers’ comp risk is where the residual market, the market of last resort was underpriced for a particular risk. An admitted carrier cannot use consent to rate for workers’ comp). [KRS § 304.13-100 and 806 KAR 13:020; Bull. 2001-3]
- This does not apply to life, annuities, wet marine and transportation, accident and health, reinsurance, individual and group workers compensation self insurers, title and liability self insured groups. [KRS § 304.13-021]

Filing and Record Keeping Requirements

- Written application must be filed in triplicate with and approved by the Commissioner within 10 days following the effective date of the policy.
- Form IR-1 P&C (9/00) Application for Excess Rates may be used to provide the required information (*see attached Kentucky Application for Excess Rates*). The insured must consent by signing the form.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Policies, riders, endorsements, or forms of unique character designed for and used upon a particular subject do not need to be filed. [KRS § 304.14 –120]

**COMMONWEALTH OF
KENTUCKY
Department Of Insurance**

P .O. Box 517
Frankfort, Kentucky 40602-0517
**APPLICATION FOR EXCESS RATES
CONSENT TO RATE or (A) RATES**

NAME OF APPLICANT / INSURED _____ DATE FILED: _____

ADDRESS OF APPLICANT / INSURED _____ POLICY NUMBER _____

POLICY DATES _____
NEW APPLICATION _____ RENEWAL _____

NAME OF AGENT LOCATION(S) OF RATED OPERATIONS _____

ADDRESS OF AGENT LOCATION(S) OF RATED OPERATIONS _____

LOCATION(S) OF RATED OPERATIONS _____

THIS FILING IS REQUESTED FOR _____
(Name of Insurance Company) NAIC # _____

BY: _____

(Company Authorized Representative) TITLE DATE _____

REASON(S) FOR EXCESS RATE OR CONSENT TO RATE (Check One)

_____ UNABLE TO OBTAIN COVERAGE AT FILED RATE _____ UNFAVORABLE LOSS EXPERIENCE

_____ UNUSUAL HAZARDS INVOLVED _____ OTHER (Explain and attach written justifications)

DESCRIPTION OF EXPOSURES AND UNDERWRITING INFORMATION IN SUPPORT OF PROPOSED RATING.

TYPE OF COVERAGE

LIMITS OF COVERAGE

DEDUCTIBLE/ RETENTION (if any)

CLASSIFICATION CODE NUMBER CLASSIFICATION DESCRIPTION

UNITS OF EXPOSURE _____

RATE _____

POLICY PREMIUM _____

TAXES _____

TOTAL _____

I accept and consider the rates and premium charged to be fair and equitable for our particular risk.

APPLICANT / INSURED TITLE DATE

IR-1 P&C (9/00)

LOUISIANA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds are exempt from form filing. [R.S. § 22:620]
- Inland marine and excess are exempt from rate filing. [R.S. § 22:1407]
- Louisiana also has commercial deregulation (**for rates and forms**) for commercial property and casualty policies issued to Exempt Commercial Policyholders. Rate deregulation excludes workers' compensation and medical professional liability insurance. Policy form deregulation excludes worker's compensation, employer's liability insurance and professional liability insurance. The exemption for commercial rates applies only in a competitive market. [R.S. § 22:9301 – 9319(R); § 22:620(F), LAC 37:XIII.9011, 9013]

Exempt Commercial Policyholder (ECP) **for rates** means any person who has and maintains annual commercial insurance premium, excluding workers' compensation and medical professional liability premium, of at least \$10,000 as of the preceding fiscal year. An **Exempt Commercial Policyholder** for the purposes of **form deregulation** means any person who applies for or procures commercial risk insurance (not including workers' compensation, employers' liability and professional liability insurance) and meets the following criteria:

- 1) Has and maintains annual commercial premiums (excluding workers' compensation, employers liability and professional liability premium) of more than \$200,000 in the preceding fiscal year. In determining this threshold, premiums paid to one or more insurers are to be added together to reach the total aggregate;
- 2) At the time the policy is issued, the ECP must have not less than 50 employees per single company; not less than 100 employees if a member of an affiliated group; or if a municipality, a population of not less than 50,000;
- 3) An operating budget of not less than \$20,000,000 for the most recently completed calendar or fiscal year whichever applies, if the ECP is a public entity; and
- 4) Has a signed certification form regarding its status as an ECP (*see attached form*).

Exempt rates issued to an ECP must be submitted to the Office of Property and Casualty Insurance as an informational filing.

Filing and Record Keeping Requirements

- When soliciting, negotiating or procuring a policy of insurance with an ECP, the agent or broker, or the insurer in cases of direct placement, shall disclose to the policyholder and the policyholder's risk manager, if any, on a form created by the insurer, that a policy form may be used which is exempt from the form filing requirements of the Louisiana Insurance Code.
- When a policy of insurance is issued or delivered to an ECP, the insurance agent or broker, or the insurer in cases of direct placement, shall obtain from the policyholder a written certification (*see attached form*). The certification form must be dated and signed by a senior officer or manager of the policyholder and the policyholder's risk manager, if any. Note: The certification form does not apply to rates, even though rates are subject to deregulation. (C. Noel Wertz, DOI, 12-20-04)
- The disclosure notice and certification form required by this section shall be effective for the life of the policy or policies, including renewals, unless the deductible, or policy limits or coverage is significantly modified, in which case a new certification form must be executed.
- A copy of the certification form shall be maintained by the insurer and by the producing agent or broker in the policyholder's record for a period of five years or renewal policy if at renewal a new certification form is executed. Such certification form shall be made available for examination by the Department.

Commercial Deregulation – Additional Exemptions

There are no additional exemptions for ECPs.

II. (A) Rates and Individual Risk Rates

There is no statutory provision for (A) rates or individual risk rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates do not have to be filed, except for schedule rated risks. [ISO Manual]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.
- For schedule rated risk classifications, insurers may increase rates up to 10% over existing rates in any 12 month period for all personal and commercial line classifications combined. A rate increase falling within this limit will become effective within 30 days of filing. In determining whether a schedule rating plan is reasonable, the Rating Commission will consider: the minimum qualifying premium; the number of scheduled characteristics; the 10% maximum debit or credit per scheduled characteristic; and the 25% maximum aggregate debit or credit across all characteristics.

III. Consent to Rate

Consent to rate is allowed for property and casualty, including workers' compensation. [R.S. § 22:1407(H), (K)(2)]

This does not apply to reinsurance, ocean marine, aircraft hull and aviation and accident and health. [R.S. § 22:1403]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) of the insured, stating reasons for accepting the rate, must be filed with and approved by the Commissioner.
- Workers' Compensation filings must be submitted to the Insurance Rating Commission.
- The application shall be maintained in files.

IV. Manuscript Endorsements

Policies, riders or endorsements designed for use upon a particular subject are exempt from filing. [R.S. § 22.620]

Louisiana Certification of Exempt Commercial Policyholder Status

Pursuant to Louisiana Regulation 72

The undersigned _____, (the Insured) certifies to _____ (the Insurer) that the Insured meets the criteria below and is an Exempt Commercial Policyholder under Louisiana law. The Insurer may issue a commercial risk insurance policy to an Exempt Commercial Policyholder without filing the policy form with the Louisiana Department of Insurance, and the Insured, by signing below, certifies that it has the necessary expertise to negotiate its own policy language. The policy must still comply with Louisiana law, and complaints or questions about compliance may be directed to the Louisiana Department of Insurance (1-800-259-5300).

In order to be an Exempt Commercial Policyholder the Insured must:

1. Execute this Certification Form and return it to the Insurer.
2. Acquire the insurance policy through an insurance agent licensed in Louisiana.
3. Meet the following requirements:
 - Have and maintain aggregate annual commercial risk insurance premiums, excluding workers' compensation and employer's liability and professional liability insurance premiums of more than two hundred thousand (\$200,000) dollars in the preceding fiscal year. In determining whether this threshold has been met, premiums paid to one or more insurers are to be added together to reach the total aggregate.
 - At the time the policy is issued the policyholder must have (a) if a single company not less than fifty (50) employees; (b) if a member of an affiliated group not less than one hundred (100) employees collectively; (c) if a municipality a population of not less than fifty thousand (50,000); and, (d) if a public entity an operating budget of not less than twenty (\$20,000,000) million dollars for the most recently completed calendar or fiscal year whichever applies.

Signed: _____

Date: _____

Printed: _____

Title: _____

Risk Manager: _____

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

I. Commercial Deregulation / Exemption

- Surety bonds and specially rated inland marine risks are exempt from form filing. [ME Ins. Code 24-A § 2412]
- Inland marine is exempt from rate filing. [ME Ins. Code 24-A § 2304A]
- Maine also has commercial deregulation (**for rates and forms**) for Property and Casualty, which excludes workers' compensation, medical malpractice, life, health and disability insurance policies issued to Large Commercial Policyholders (LCP). [ME Ins. Code Sec. 24-A § 2412-A]

Large Commercial Policyholder means an insurance contract holder that is a corporation, partnership, trust, sole proprietorship or other business or public entity that has certified that it meets:

- (1) At least 2 of the following 3 criteria:
 - (a) A net worth of \$10,000,000 as certified by a CPA or public accountant in this State;
 - (b) Net revenue or sales of \$5,000,000 as certified by a CPA or public accountant in this State;or
 - (c) A total of more than 25 employees per individual company or more than 50 employees per holding company; and
 - (2) The following criteria:
 - (a) The use of an employed or retained risk manager to procure insurance. For purposes of this division, "risk manager" means a CPCU, a certified insurance counselor, an ARM, a CRM or a licensed insurance consultant; and
 - (b) Aggregate property and casualty insurance premiums; excluding workers compensation, medical malpractice, life, health and disability insurance premiums, as follows:
 - (i) Until December 31, 2000, \$90,000;
 - (ii) From January 1, 2001 until December 31, 2001, \$75,000;
 - (iii) From January 1, 2002 until December 31, 2002, \$60,000; and
 - (iv) After January 1, 2003, \$50,000.
- Large Commercial Policyholder also includes a nonprofit or public entity with an annual budget or assets of \$25,000,000 or more that meets the criteria listed in subparagraph (2) and a municipality with a population of 20,000 or more that meets the premium criteria listed in subparagraph (2), division (b).
 - A commercial policyholder that meets the premium criteria listed in subparagraph (2), division (b) but that does not meet 3 of the qualifying criteria listed in either subparagraph (1) or subparagraph (2), division (a) may petition the superintendent for a waiver of the remaining criteria. The superintendent may grant a waiver if the applicant is sufficiently qualified to act as a large commercial policyholder.

Filing and Record Keeping Requirements

- An LCP shall annually file a certification with the insurer (*see attached Annual Report Form*) including the following information:
 - 1) Number of policies issued by line;
 - 2) Number of policies renewed by line;
 - 3) Total direct premium written by line;
 - 4) Total direct premium earned by line;
 - 5) Incurred direct losses and allocated loss adjustment expenses by line; and
 - 6) Totals for all lines combined.
- Lines of insurance are those lines or sublines contained in the Exhibit of Premium and Losses contained in the Annual Statement Blank prescribed by the Superintendent and the NAIC.
- Premium and Losses should be reported on a calendar year basis and each report should contain the premium and loss estimates for the calendar year ending the preceding December 31.

- Each policy issued to an LCP must include the following disclaimer:

“The contract provisions, rates and rating plans provided for in this policy are exempt from the filing and approval requirements of the Bureau of Insurance.”

- An insurer that issues policies pursuant to this section shall report annually to the Superintendent beginning on 02/01/2001 and continuing until 02/01/2005, the number of policies issued, by line of insurance, and any other information required by the Superintendent.

Commercial Deregulation – Additional Exemptions:

The following provisions of the ME Insurance Code do not apply to insurance issued to LCPs:

- Disapproval of forms [ME Ins. Code 24-A § 2413];
- Construction of noncomplying policies or provisions [ME Ins. Code 24-A § 2418];
- Renewal or extension [ME Ins. Code 24-A § 2421];
- Exemption of proceeds from creditor's claims: life, endowment, annuity, and accident insurance [ME Ins. Code 24-A § 2438];
- "Insurer"; "policy or policy form"; "superintendent" [ME Ins. Code 24-A § 2439];
- Applicability of provisions [ME Ins. Code 24-A § 2440];
- Standards [ME Ins. Code 24-A § 2441];
- Statutory construction [ME Ins. Code 24-A § 2442];
- Powers of superintendent [ME Ins. Code 24-A § 2443];
- Approval of forms [ME Ins. Code 24-A § 2444];
- Effective date [ME Ins. Code 24-A § 2445];
- General provisions [ME Ins. Code Chapter 25, Subchapter 1; except for § 2303, subsection 1, paragraph B]; and
- Conditions for procurement of coverage. [ME Ins. Code 24-A § 2004, Subsection 4]

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates or individual risk rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates do not have to be filed. [ISO Manual]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.

III. Consent to Rate

- Consent to rates is allowed for property and casualty, including workers' compensation (per F. Kimball of the DOI). [ME Ins. Code 24-A § 2308(1)]
- This does not apply to reinsurance, except joint reinsurance; health; ocean marine (excluding marine in the State of Maine and inland marine), aviation and aircraft hull; life; or insurance written on an assessment plan by domestic mutual insurers. [ME Ins. Code 24-A § 2302]

Filing and Record Keeping Requirements

- Written application of the insurer (*see attached Consent to Rate Form*), signed by the insured and stating the reasons for the request of the rate, must be submitted to and approved by the Superintendent.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Policies, riders, endorsements, or forms of a unique character designed for and used upon a particular subject are exempt from filing. [Me Ins. Code 24-A § 2412]

State of Maine Large Commercial Insurer Annual Report Form

Insurer Company Name: _____

Address: _____

City, State, zip code: _____

Contact Name: _____

Telephone Number and e-mail: _____

Calendar year for this report: _____

Please round amounts to nearest whole dollar.

Lines of Business -- Enter # only *	Written Premium	Earned Premium	Number of Policies Issued	Number of Policies Renewed	Incurred Losses and ALAE
---	--------------------	-------------------	------------------------------	----------------------------------	--------------------------------

TOTALS:

*For example, the surety line of business is coded 24. 24 would be entered in this column.

PLEASE RETURN THIS FORM TO:

State of Maine Bureau of Insurance

34 State House Station

Augusta, ME 04333

Attn: Property/Casualty Actuary

OR File the Form

Electronically at our website:

maineinsurancereg.org

Look for the Forms link.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for Limits Amounts of Insurance Deductibles
(primary/excess)

Exposure Identification Class Territory Location of Risks

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

MARYLAND
[\(back to reference chart\)](#)

I. Commercial Deregulation/ Exemption

- Inland marine risks are exempt from filing (**for rates only**). [MD Ins. Code § 11-206]
- Maryland also has commercial deregulation (**for forms only**) for Property and Casualty, which excludes workers' compensation, issued to Exempt Commercial Policyholders. [MD Ins. Code § 11-206; Bulletin 00-21]
- **Exempt Commercial Policyholder** (ECP) means a person that pays annual aggregate property & casualty premiums for commercial insurance policies of \$75,000, or more, and meets any two of the following criteria:
 - 1) Generates annual revenues or sales in excess of \$10 million;
 - 2) Has a net worth in excess of \$5 million;
 - 3) Employs at least 25 full-time employees;
 - 4) Is a nonprofit organization or public body with an annual budget of at least \$10 million; or
 - 5) Is a municipal corporation with population of at least 15,000.
- The insurer must obtain a certification form (*see attached form*) from the ECP, certifying that it meets the above criteria. This certification should be filed annually by the ECP with the Insurance Department for approval.
- Forms and endorsements issued to ECPs shall be subject to all other provisions of the insurance law.

Filing and Record Keeping Requirements

- Forms issued to ECPs do not need to be filed.
- Rates must still be filed.
- The insurer must keep each ECP's certification form on file for three years.

Commercial Deregulation – Additional Exemptions

There are no additional exemptions for ECPs.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates or individual risk rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates do not have to be filed. [ISO Manual]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, including workers' compensation (per M. Luster at DOI). [MD Ins. Code §§ 11-206, -210]
- This does not apply to reinsurance, except as joint; ocean marine; aircraft hull and aviation; title; the Injured Workers' Insurance Fund. [MD Ins. Code § 11-202]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) of the insurer, stating reasons for requesting the rate, accompanied by written consent of the insured or prospective insured, must be filed with and approved by the Commissioner.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Policy forms and endorsements and modifications of policy forms and endorsements issued to an exempt commercial policy holder are exempt from filing. [MD Ins. Code § 11-206]

MARYLAND CERTIFICATION AS AN EXEMPT COMMERCIAL POLICYHOLDER

Maryland Insurance Article s 11-206 permits certain commercial policyholders to certify that the policyholder meets the criteria required to qualify as an Exempt Commercial Policyholder. Certification as an Exempt Commercial Policyholder permits the policyholder to purchase insurance policies that contain forms and endorsements that have not been filed with and approved by the Maryland Insurance Administration. In order to qualify as an Exempt Commercial Policyholder, you must meet the following criteria:

I. Total premium for current calendar year or preceding calendar year must be \$75,000 or greater;
Are your Commercial Property and Casualty Premiums for Policies Issued in Maryland \$75,000.00 or greater? Yes No

II. And any two of the following (check all that apply):

Generates annual revenues or sales in excess of \$10,000,000.

Possesses a net worth in excess of 5,000,000.

Employs at least 25 full-time employees.

Is a nonprofit organization or public body with an annual budget of at least 10,000,000.

Is a municipal corporation with a population of at least 15,000.

The undersigned commercial insurance policyholder acknowledges that the policy I am receiving from _____ (Name of Insurance Company) may contain forms and/or endorsements that have not been filed with and approved by the Maryland Insurance Administration.

Signature of Authorized Representative

Date

Name and Title of Authorized Representative

Name of Commercial Insured

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

MASSACHUSETTS

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine risks are exempt from rate filing. [MA Ins. Code § 174 A.6]
- There is commercial deregulation in Massachusetts for policy rates and forms issued to Large Commercial Policyholders, which applies to all commercial property and casualty lines, except for workers' compensation. [MA Ins. Code §§ 175:224 and 175:225; Bull. 2004-08]

Large Commercial Policyholder is a corporation, partnership, trust, sole proprietorship or other business or public entity having aggregate property and casualty premium of at least \$30,000, excluding workers' compensation premium, which has certified that it elects to be treated as a large commercial policyholder, that it understands the limited regulatory oversight that this election connotes, and that it meets at least two of the following criteria:

- Has a net worth of \$10,000,000;
- Has net revenue or sales of \$5,000,000;
- Employs more than 25 employees per individual company, or more than 50 employees per holding company aggregate;
- Is a nonprofit or public entity with an annual budget or assets of \$25,000,000 or more;
- Is a municipality with a population of 20,000 or more; or
- Retains a risk manager who is a full-time employee, or who is retained by the insured, either of whom is licensed as one of the following: a) a certified insurance counselor; b) a chartered property and casualty underwriter; c) an associate in risk management; d) a certified risk manager; or e) a licensed insurance advisor in property and casualty insurance.

Filing and Record Keeping Requirements

- Policies issued to large commercial policyholders must be delivered at least 10 days prior to the effective date or permit the insured to terminate the policy, on a pro-rata basis and without penalty, within 20 days of receipt.
- Policyholders must complete a signed certification form. *See the Massachusetts Certification of Exempt Commercial Policyholder Status form attached.*
- Underwriting files, premium, loss and expense statistics, financial and other records pertaining to a large commercial policyholder must be maintained for examination by the commissioner.
- Policies must contain the following disclosure notice:
 - The policy applied for is not subject to all insurance laws that apply to other commercial lines products and may contain significant differences from a policy that is subject to all insurance laws.**
- The disclosure notice must include a policyholder acknowledgement statement signed by the first named insured, prior to the effective date of coverage, that states, **"I hereby acknowledge that I have read the above disclosure notice and have received a copy of the same."**
- The disclosure notice must also provide information on all policy conditions and endorsements including, but not limited to, the following: claims-made vs. occurrence triggers; perils; exclusions; location or territory limits; defense within vs. defense in excess of policy limits.
- The policyholder disclosure notice is to be maintained in the underwriting file. Notices are to be issued only once at policy inception, unless there are material changes to the policy form.
- If a policyholder fails to continue to meet the criteria for a Large Commercial Policyholder, this will not invalidate a contract or prohibit a subsequent contract with the same insurer, so long as the subsequent contract is sufficiently similar so as to not require an additional policyholder acknowledgement statement. [Bull. 2004-08]

II. (A) Rates and Individual Risk Rates

- (A) rates and individual risk rates are allowed. [Bull. SRB-89-2]
- The law provides the following definitions regarding (A) rates:
 - (A) rates: rates for classes of special risks for which the premium and loss data lack sufficient homogeneity to calculate meaningful rates.
 - Guide (A) rates: class average rates for special classes of risks, which require more frequent individual risk modification than manual rates.
 - "Pure" (A) rates: rates for classes where a class average rate, even if calculable, cannot reasonably be used for most individual risks without substantial modifications.
 - Unfiled (A) rates: all "pure" (A) rates and modifications to published guide (A) rates. [Bull. SRB-89-2(V)]

Filing and Record Keeping Requirements

- (A) rates (other than guide (A) rates) and individual risk rates need not be filed.
- The insurer must maintain complete and accurate documentation for each policy rated on this basis subject to review of the Division upon request.
- With regard to guide (A) rates suggested by any licensed Rating Bureau, any insurer departing above the suggested rates must annually submit a summary of those policies. [Bull. SRB-89-2]

III. Consent to Rate

Consent to rate is allowed for property and casualty, excluding Workers Compensation, Medical Malpractice and Private Passenger (per W. Horn of DOI; these are prior approval lines). [Bull. SRB-89-2(IV), (X); [MA Ins. Code §§ 175A:4; 175A:6]

Filing and Record Keeping Requirements

- Written application including a filing cover letter in accordance with Bulletin SRB-89-2 and attached form SRB-89-CR-1 and stating the reasons for accepting the rate, must be filed 30 days before the effective date with and approved by the Commissioner. [MA Ins. Code §§174A.6, 175A.6, Bull. SRB-89-2]
- There are no statutory timeframes within which the Commissioner must act for Consent to Rate applications. The Division of Insurance will make its best effort to review and approve or decline such applications within 30 days from receipt.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Manuscript forms can be issued up to 50 times before a filing is required. [MA Ins. Code § 175:2B]

**MASSACHUSETTS CERTIFICATION
OF EXEMPT COMMERCIAL POLICYHOLDER STATUS**

Pursuant to Massachusetts' Insurance Code 175:224, the undersigned, on behalf of _____, (the "Insured") certifies to _____ (the "Insurer") that the Insured elects to be and qualifies as a Large Commercial Policyholder under Massachusetts' law. I, the Insured, understand that the policy applied for is not subject to all of the provisions of the insurance law that apply to other commercial lines products and may contain significant differences from a policy that is subject to all provisions of insurance law.

The Insured elects to be and certifies that it qualifies as a Large Commercial Policyholder, because it has an aggregate annual property and casualty insurance premium (excluding workers' compensation) of \$30,000 or more and it meets two of the following criteria (check all that apply):

- Net worth of more than \$10,000,000.
- Net revenue or sales of more than \$5,000,000.
- More than 25 full-time employees per individual company or 50 full-time employees per holding company aggregate.
- Nonprofit or public entity with an annual budget of \$25,000,000 or more.
- Municipality with a population of 20,000 or more.
- Retains a risk manager, who shall be a full-time employee or a person retained by the insured, either of which must be licensed and must be one of the following: a certified insurance counselor, a chartered property and casualty underwriter, an associate in risk management, a certified risk manager or a licensed insurance adviser in property and casualty insurance.

Signed: _____ Title: _____

Printed: _____ Date: _____

FORM SRB-CR-1

MASSACHUSETTS INSURANCE DIVISION CONSENT TO RATE FORM

TO: MASSACHUSETTS DIVISION OF INSURANCE DATE _____ POLICY REVIEW SECTION
PROPERTY/CASUALTY LINES STATE RATING BUREAU EFF. DATE OF POLICY _____
280 FRIEND STREET BOSTON, MA. 02114

FROM: _____(Insurance Company) _____ TELEPHONE _____

TO WHOM IT MAY CONCERN:

The undersigned hereby makes an appeal under the provisions of Section 6 (d) of Chapter 174A and/or 175A for approval of rates in excess of those filed with the Massachusetts Division of Insurance:

1. INSURED'S NAME IN FULL
2. LOCATION OF RISK
3. INSURED'S DIRECT TELEPHONE NUMBER
4. RISK CLASSIFICATION
5. LINE(S) OF INSURANCE TO WHICH APPEAL APPLIES
6. MANUAL RATE(S)/COVERAGE: ___ / __, ___ / __, ___ / __
7. PROPOSED RATE(S)/COVER.: ___ / __, ___ / __, ___
8. REASON(S) FOR EXCESS RATE (If cancelled, by whom) _____

"I am aware that coverage for fire, extended coverage, vandalism and malicious mischief and Homeowners may be available at Industry Rates by making application to the Massachusetts Property Insurance Underwriting Association, located at Three Center Plaza, Boston, Ma. 02108, either through my present agent or broker, or directly by me to the MPIUA."

"I hereby verify that the foregoing statements are true."

SIGNATURE OF INSURED _____
NAME/ADDRESS OF AGENT OR BROKER _____

APPROVE _ DECLINE _
(4/89)

MICHIGAN
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Michigan has a commercial exemption (**for forms**) for all property and casualty lines other than those listed below. [Bull. 97-3; Mich. Dept. of Consumer & Industry Services Rule, Rate and Policy Forms Filing Procedure Manual (see Dept. website - www.cis.state.mi.us)]
- Michigan does not require property and casualty forms to be filed, except for the following:
 - 1) Forms submitted by Rating Organizations (ISO, SAA, etc.);
 - 2) Forms for automobile insurance;
 - 3) Forms for Credit insurance; and
 - 4) Excess Loss Insurance for self-insured benefit plans.
- All policy forms, whether filed or not, must satisfy all other requirements under the law.
- Inland marine is exempt from rate filing. [MI Ins. Code § 500.2606]
- Michigan has commercial deregulation (**for forms**) for exempt commercial policyholders for all Commercial Lines, except Workers Compensation (Per the Department of Insurance, March, 2003).
- “Exempt Commercial policyholder” means an insured that purchases the insurance for other than personal, family, or household purposes. [MCL § 500.2236, 500.2401, 500.2601]
- Insurance policies sold to exempt commercial policyholders must contain a prominent disclaimer stating: “This policy is exempt from the filing requirements of §2236 of the insurance code of 1956, 1956 PA 218, MCL §500.2236.” or words that are substantially similar.
- Michigan has commercial deregulation (for rates) for casualty insurance for exempt commercial policyholders. [MI Ins. Code § 500.2401]

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Requirements

- (A) rates and individual risk rates do not have to be filed. [ISO Manual]
- When an insurer uses (A) rates and individual risk rates, it must maintain complete files on how it determined the rate for the individual risk and make these files available to the insurance department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, including workers’ compensation. [MI Ins. Code §§ 500.2414(1)(d)-WC; 500.2614]
- This does not include reinsurance, other than joint reinsurance; disability; aviation and aircraft hull. [MI Ins. Code § 550.2401(2)]

Filing and Record Requirements

- Written application (*see attached Consent to Rate Form*) of the insured, stating the reasons for accepting the rate, must be filed with and approved by the Commissioner.
- The application must be maintained in the files.

IV. Manuscript Endorsements

Policies, riders, endorsements, or forms of unique character designed for use upon a particular subject are exempt from filing. [MI Ins. Code § 500.2236]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

MINNESOTA

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Minnesota has a form of commercial exemption (**for rates and forms**) on “Commercial Policies” except for workers’ compensation, professional liability covering individuals and as noted below. [Minn. Rule 2700.2460-.2480; Bulletin 95-2]
- There are no other forms of commercial deregulation in Minnesota.
- **Commercial Policies** – means all policy forms that by general practice are used for business entities. The term does not include policy forms providing private passenger vehicle insurance or homeowners’ insurance, personal liability coverage, personal property or personal article floater coverage, credit property coverage, crop hail insurance, title insurance, or professional liability insurance covering individuals. The term does not include policy forms insuring individually owned motorcycles, motorized bicycles, recreational equipment, mobile homes, house trailers, snowmobiles, watercraft, aircraft not used in air commerce, or owner occupied residential dwelling containing fewer than five family dwelling units.
- Bulletin 95-2 also states that an insurer should not file a commercial policy that is exempt as noted above just because a portion of the form is not exempt, if that portion is only incidental to the overall policy. Examples of forms that should not be filed would be as follows:
 - (1) A form which provides personal automobile coverage, but is designed to be attached to a commercial automobile fleet policy, or
 - (2) A form which provides comprehensive personal liability coverage, but is designed to be attached to a comprehensive general liability policy.

Filing and Record Keeping Requirements

“Commercial Policies” are exempt from rate and policy forms filing requirements, if they comply with all other requirements under the law.

II. (A) Rates and Individual Risk Rates

- (A) Rates and individual risk rates are allowed. [Bull. 91-9; Bull. 95-2]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates developed for an individual insured do not have to be filed. [Bull. 91-9; Bull. 95-2]
- For non-commercial policies, the insurer must maintain a file with forms, rates and supporting rate information for 3 years after the policy terminates. Information must be made available to the Commissioner upon request.
- For guide (A) rates for commercial policies, information shall be maintained for at least one year.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding the lines below. [Minn. Ins. Code § 70A.02]
- This does not apply to insurance written by township or farmers’ mutual insurance companies; insurance written by religious groups, or to tornado, cyclone, or hurricane insurance, the consideration for which, except for policy, membership or survey fees, is paid entirely by assessments on policyholders; reinsurance, other than joint reinsurance, accident and health insurance; aviation; ocean marine; workers’ compensation insurance; liability of an employer exempted from insuring the employer’s liability for compensation; and disability and double indemnity insurance issued as part of a life insurance contract.

Filing and Record Keeping Requirements

- Consent to rate forms do not have to be filed. However, the attached Consent to Rate Form should be completed by the insured.
- The insurer must maintain a file with forms, rates and supporting rate information for 3 years after the policy terminates and make this available to the Commissioner upon request. [Minn. Ins. Code § 70A.06, Bull. 91-9]

IV. Manuscript Endorsements

Companies do not need to file manuscript forms. However they must make a “drawer filing”. Should a company begin to use a manuscript form for more than one insured, the company must file the form with the Department. [Minn. Dept. Bulletin 91-9]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

MISSISSIPPI
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Policy forms, endorsements and rates do not need to be filed for inland marine risks which by general custom are not written according to manual rates or rating plans. [Miss. Ins. Code § 83-2-7]
- There are no other forms of commercial deregulation in Mississippi.

II. (A) Rates and Individual Rates

(A) Rates and individual risk rates are allowed (contact State Filings for AIG (A) rate filings or see ISO Manual). [Bulletin 98-2; Miss. Ins. Code § 83-2-7; FR 68-1.3]

Filing and Record Keeping Requirements

- For (A) rates, the insurer must do one of the following*:
 - 1) File each individual (A) rate risk for approval at least 30 days before the effective date.
 - 2) File a general statement providing the company policies and procedures for underwriting and developing (A) rates. If the insurer uses this option, each individual underwriting file must include explanation of the factors used or classification of the risk and make files available to the Department upon request.
 - 3) File a schedule of rates for approval at least 30 days before the effective date. The range may deviate by +/- 25%. If the insurer uses this option, individual (A) rate risks need only be filed if the risk falls outside of the range or the risk is not in the schedule of rates. Each individual underwriting file must include explanation of the factors used or classification of the risk and make files available to the Department upon request.
- *According to Bull. 98-2, any “refer to company” wording is unacceptable. Filing should be referred to as an individual risk basis filing

- For individual risk rates, the insurer must do one of the following:
 - 1) File each individual risk rate for approval at least 30 days before the effective date.
 - 2) File a general statement providing the company policies and procedures for underwriting and developing individual risk rates. If the insurer uses this option, each individual underwriting file must include explanation of the factors used or classification of the risk and make files available to the Department upon request.
 - 3) File each individual risk rate for approval at least 30 days before the effective date if the rate deviates more than +/-25% from filed manual rate. If the rate deviates less than +/-25% from the filed rates, the risk need not be filed. However, each individual underwriting file must include explanation of the factors used or classification of the risk and make files available to the Department upon request. [ISO Manual]

III. Consent to Rate

- Consent to Rate is allowed for property and casualty, including medical malpractice and including workers’ compensation. [Miss. Ins. Code § 83-2-9(2)]
- This does not apply to accident and health; ocean marine; reinsurance; aircraft liability and aircraft hull; title; and credit accident and health insurance. [Miss. Ins. Code § 83-2-1]

Filing and Record Keeping Requirements

- Consent to rates do not have to be filed, except for workers’ compensation consent to rates which must be filed. However, the insurer must obtain an application (*see attached Consent to Rate Form*) and attach an endorsement to the policy stating why the rates are higher and provide the percentage difference from the filed rates.
- The application and endorsement must be maintained by the insurer and the agent and made available, upon request, to the Commissioner

IV. Manuscript Endorsements

Every insurer must file policy forms and endorsements. [Miss. Ins. Code § 83-2-7]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____

Insured's Signature

Authorized Representative's Signature

Date

Date

MISSOURI
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Rates for commercial casualty and commercial property policies, excluding workers' compensation and employers' liability insurance (SB 186 eff. 8/01) are not exempt from filing, but they are use and file for informational purposes only. [Mo. Ins. Code § 379.321(6)]
- Please note that the former commercial deregulation statute [Mo. Ins. Code § 379.362] exempting large commercial policyholders from rate and form review has been repealed effective 8/28/02 and, therefore, is no longer being used by the Department. [Per. Brenda Marris - P&C Unit and HB 1468.]
- **Commercial Casualty** - means casualty insurance for business or nonprofit interests which is not for personal, family or household purposes, and which is provided by issuance of a policy of insurance and not merely a binder for such insurance coverage.
- **Commercial Property** - means property insurance, which is for business and professional interests, whether for profit, nonprofit or public in nature which is not for personal, family or household purposes, but does not include title insurance.
- Inland marine is also exempt from rate and form filing. [Mo. Ins. Code § 379.321]

Filing and Record Keeping Requirements

- As noted above commercial rates are not exempt from filing; they must be filed within 30 days after use.
- Such rates are not to be reviewed or approved by the department of insurance as a condition of their use. Nothing requires the filing of individual commercial rates where the original manuals, rates and rules for the insurance plan or program to which such individual policies conform have already been filed with the director.
- However, the rates are filed for informational purposes only except that the Department reserves the right to review the rates to determine whether they are excessive, inadequate or discriminatory or if they increase more than 25% annually.
- If rates for commercial property or casualty are going to increase at renewal more than 25%, this increase is considered a "premium alteration requiring notification" to the insured's agent of record 60 days prior to the expiration of the policy. A "premium alteration requiring notification" means an annual increase in premium of 25% or more, exclusive of premium increases due to a change in the operations of the insured which increases either the hazard insured against or the individual loss characteristics, or due to a change in the magnitude of the exposure basis, including, without limitation, increases in payroll or sales. For commercial multi-peril policies, no "premium alteration requiring notification" shall be required unless the increase in premium for all of a policyholder's policies taken together amounts to a twenty-five percent or more annual increase in premium. [I - SB 186 amending 379.321 eff. 8/01]

II. (A) Rates and individual Risk Rates

(A) rates and individual risk rates are allowed (contact State Filings for AIG (A) rate filings or see ISO Manual). [Mo. Ins. Code § 379.888; 20 CSR 500-4; Bull. 99-2]

Filing and Record Keeping Requirements

- (A) rates must be filed within 10 days after the effective date unless the insurer chooses to file a schedule of rates. If the insurer chooses to file a schedule of rates, each individual (A) rate risk need not be filed unless the risk falls outside of the schedule of rates or the risk is not covered by the schedule.
- For individual risk rates, if the rate deviates < or = to 25% from the filed rate, the individual rate must be filed within 10 days of the effective date.
- If the individual risk rate deviates >25% from the filed rate, the individual risk must be filed for approval at least 60 days before the effective date. [ISO Manual]

III. Consent to Rate

- Consent to rate is allowed for property and casualty, including medical malpractice (per T. Kroll of the DOI) excluding workers' compensation (per K. Rimel at DOI). [Mo. Ins. Code § 379.321(3), Bull. 91-4, 20 CSR 500-3.100.; 20 CSR 500-4.300]

- This does not apply to reinsurance, other than joint reinsurance, ocean marine, aircraft, motor vehicle, life, accident and health and workers' compensation. [Mo. Ins. Code 379.316(1)]

Filing and Record Keeping Requirements

- A written application (*see attached Exhibit A*) of the insured, stating reasons for accepting the rate, must be filed within 10 days of the effective date. Exhibit A to 20 CSR 500-4.300 (attached), or a form substantially similar, must be completed by the insured. See 20 CSR 500-4.300 (attached) for specific requirements.
- The reason given for higher rates must be specifically stated as to each specific risk factor (such general statements as "Risk does not meet normal rates" are not acceptable.
- For private passenger automobile or homeowners or occupied residential dwelling fire policies, the consent to rate form (Exhibit A) must include the following statement:

I, _____, declare that I have been unable to obtain this insurance from other companies and hereby consent to pay the higher rates which I am being charged for this insurance. I understand that any deductible amount stated in my policy will be deducted from each claim I may make under the policy issued me.

- Exhibit B (*see attached*) must be signed and filed monthly by the insurer.
- Each insurer must file and preserve the original completed Exhibits A and B in the company's policy file and a duplicate copy of each in the company's Missouri records file.

IV. Manuscript Endorsements

Manuscript forms must be filed according to the Missouri D.O.I.

EXHIBIT A

STATE OF MISSOURI-- DEPARTMENT OF INSURANCE (Complete in duplicate)

NAME OF COMPANY _____

INDICATE LINE OF BUSINESS For Audit & Examination Use Only

Automobile _____
Fire _____
Liability _____

Audit Information:

1. Name of Insured _____

Mailing Address _____

2. Property or other risk insured _____

Location (if fixed) _____

3. Coverage involved and Code or Classification _____

4. Specific Reasons for Special Rating (Use reverse, if necessary) _____

5. Standard Filed Rates (or filed if substandard) _____

Proposed _____ New Rates _____

6. Policy Effective Date _____ Policy Expiration Date _____

7. Policy Number _____

8. **"I understand that the rates charged are not standard and accept this cost."**

Insured's Signature _____ Date _____

9. Agent's Signature _____ Date _____

10. Company Officer's Signature _____ Date _____

(Company Officer certifies that company and agent are licensed for written)

EXHIBIT B
State of Missouri Department of Insurance
(Complete in duplicate)

NAME OF COMPANY _____

Total Special Rating Policies ____ Month____ , __Year__ ____ Total____ ,

Total Special Rating Policies (By line of business) in ____ Month____ ,
_____ Year _____ :

Automobile
Fire
Liability

Individual Listing of Policy Number by Line of Business:
(Attach extra page if necessary.)

MONTANA

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bond forms do not have to be filed. [MT Ins. Code § 33-1-501]
- Also exempt are forms for reinsurance, policies not issued for delivery in Montana or delivered in Montana, ocean marine and foreign trade insurance.
- There are no other forms of commercial deregulation in Montana.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates or individual risk rates. However, both are allowed (contact State Filings Division for AIG (A) rate filings or see ISO Manual). [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates must be filed on or before the effective date unless the insurer files a schedule of rates which may include a rate deviation of +/-25%. If a schedule is filed, individual (A) rate risks need not be filed unless they deviate >25% or do not fall under the schedule.
- Individual risk rates do not need to be filed unless they deviate >25% from the filed rates. If the risk is not filed, the insurer must maintain complete underwriting files, including an explanation of the factors used in determining the rate or classification for the risk. The files are subject to review upon request of the Department. [ISO Manual]

III. Consent to Rate

Consent to rate is allowed only for workers' compensation. [MT Ins. Code § 33-16-1031]

Filing and Record Keeping Requirements

- A written application (*see attached Consent to Rate Form*) must be filed with the Commissioner.
- The application must be maintained in the files.

IV. Manuscript Endorsements

Policies, riders, endorsements or forms of unique character designed for use upon a particular subject are exempt from filing. [MT Ins. Code § 33-1-501]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____

Insured's Signature

Authorized Representative's Signature

Date

Date

NEBRASKA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- The following are exempt from form filing [Bulletin CB-50]:
 - Reinsurance contracts;
 - Financial guaranty insurance; and
 - Contracts of suretyship.
- Inland marine and excess umbrella are exempt from rate filing. [Bulletin CB-50]
- There is commercial deregulation (**for rates and/or forms**) for commercial property and casualty policies, excluding workers' compensation insurance and medical professional liability, issued to three classes of **Exempt Commercial Policyholders** (*see below*). [Neb.Rev.Stat. §§ 44-7515, 44-7516]
- The insurer may not reduce benefits payable under workers' compensation or excess workers' compensation policies or alter any claims handling or settlement options under such policies.
- The insurer may not reduce automobile insurance limits below those required by law.
- The insurer may not reduce the limitation of coverage required of health care providers under the Hospital Medical Liability Act.

Exempt Commercial Policyholders – a commercial policyholder may be exempt from rate and/or form filing requirements if it fall into one of the following classes:

CLASS I - an exempt commercial policyholder that fulfills either of the two following sets of conditions:

1. Set (1)
 - A. The policyholder utilizes the services of a qualifying risk manager;
 - B. The policyholder generates at least \$100,000 in aggregate commercial lines P & C insurance premiums per year, and
 - C. The policyholder meets at least two of the following conditions:
 - (i) The policyholder generates aggregate commercial lines P & C insurance premiums of at least \$250,000 per year, excluding premiums for workers' compensation and medical professional liability insurance, or generates at least \$1,000,000 aggregate commercial P & C insurance premiums per year, including premiums for workers' compensation and medical professional liability insurance.
 - (ii) The policyholder's net worth is at least \$25,000,000.
 - (iii) The policyholder's annual net revenues or sales are at least \$50,000,000.
 - (iv) The policyholder employs at least 250 employees.
 - (v) If the policyholder is a not-for-profit or government entity, the policyholder has an annual operating budget of at least \$25,000,000.
 2. Set (2)
 - A. The policyholder generates at least \$100,000 in aggregate commercial lines P & C insurance premiums per year for all jurisdictions combined, and
 - B. In a jurisdiction that generates greater aggregate commercial P & C insurance premiums for the policyholder than Nebraska:
 - (i) No rates for the policyholder are subject to a requirement that the insurer adheres to its rating manuals;
 - (ii) No policy forms for the policyholder, other than policy forms for workers' compensation and automobile liability insurance, are subject to a requirement that the insurer must use filed forms, and
 - (iii) Access to surplus lines markets for other than workers' compensation and automobile liability insurance for the policyholder is not subject to any requirement that such coverage is not available from a licensed insurer.
- A Class I exempt policyholder is referred to as an RFS (rates, forms, surplus lines) Policyholder. [210 NAC Ch. 73 s 003]

Class II - an exempt commercial policyholder that meets any one of the three following conditions:

1. The policyholder utilizes the services of a qualifying risk manager and generates at least \$50,000 in aggregate P & C insurance premiums per year.
 2. The policyholder generates aggregate commercial lines P & C insurance premiums of at least \$250,000 per year, excluding premiums for workers' compensation and medical professional liability insurance, or generates at least \$1,000,000 per year in aggregate P & C insurance premiums, including premiums for workers' compensation and medical professional liability insurance.
 3. (A) The policyholder generates at least \$50,000 in aggregate commercial lines P & C insurance premiums per year for all jurisdictions combined, and
(B) In a jurisdiction that generates greater aggregate commercial P & C insurance premiums for the policyholder than Nebraska:
 - (i) No rates for the policyholder are subject to a requirement that the insurer adhere to its rating manuals, and
 - (ii) No policy forms for the policyholder, other than policy forms for workers' compensation and automobile liability insurance, are subject to a requirement that the insurer must use filed forms.
- A Class II policyholder is referred to as an RF (rates and forms) Policyholder. [210 NAC Ch. 73 s 003]

Class III is an exempt commercial policyholder that meets any one of the three following sets of conditions:

1. The policyholder utilizes the services of a qualifying risk manager and generates at least \$25,000 in aggregate commercial lines P & C insurance premiums per year.
 2. The policyholder generates aggregate P & C insurance premiums of at least \$100,000 per year excluding premiums for medical professional liability insurance, or generates at least \$250,000 in aggregate commercial lines P & C insurance premiums per year, including premiums for medical professional liability insurance.
 3. The policyholder generates at least \$25,000 in aggregate commercial lines P & C insurance premiums per year for all jurisdictions combined and, in a jurisdiction that generates greater aggregate commercial P & C insurance premiums for the policyholder than Nebraska, rates for the policyholder are not subject to a requirement that the insurer adheres to its rating manuals.
- A Class III policyholder is referred to as an R (rates) Policyholder. [210 NAC Ch. 73 s 003]

Qualifying Risk Manager means:

- (A) A person that is a full time employee of the policyholder with primary duties consisting of property and casualty risk management and the purchase of insurance, and that meets the qualification standards in paragraph (2); or
- (B) A person or persons, operating as a contractor that primarily provides risk management services, that devotes at least one hundred twenty hours per year to the policyholder's risk management and purchase of insurance. No such person shall be an agent for an insurer providing insurance for the policyholder, and shall not receive any compensation from an insurer, or from an agent of an insurer that is providing insurance for the policyholder, or from an agency compensated by the insurer that is providing insurance for the policyholder. Each person whose hours are included in the total hours necessary to meet this requirement is required to meet the qualification standards set forth in paragraph (2).
- (C) Who has demonstrated qualification through:
 - (a) Five or more years of full time experience in property and casualty insurance as a commercial lines underwriter with an insurance company or as an insurance producer dealing primarily with commercial accounts, except that health and employee benefit experience shall not count towards this requirement; or
 - (b) Three years of full-time experience related to property and casualty insurance or risk management and attainment of one of the following insurance professional designations: ARM; CRM; or CPCU.

Filing and Record Keeping Requirements

Class I (RFS) Policyholders

- An insurer shall not be required to file rates and policy forms for commercial lines property and casualty insurance policies insuring Class I (RFS) policyholders. The provisions of this chapter regarding the regulation of policy forms shall not apply to an exempt commercial policyholder that is also a qualifying multi-state commercial policyholder.

- A Class I (RFS) policyholder is exempt from those provisions that, as a condition for the purchase of insurance from a nonadmitted insurer, that applicants demonstrate inability to obtain insurance from a licensed insurer. This exemption shall not apply to workers' compensation insurance, excess workers' compensation insurance, or automobile liability insurance. This exemption may apply to automobile liability insurance purchased as excess insurance over a policy that provides limits that are at least equal to the minimum limits of liability required by [Neb.Rev.Stat. § 60-534]
- The insurer must inform exempt commercial policyholders at the earliest date practical, but no later 30 days after inception of coverage, of those policy forms applying to them that have not been filed and approved by the Director. [Neb. Rev. Stat. § 44-7515]

Class II (RF) Policyholders

- An insurer shall not be required to file rates and approved policy forms for commercial lines property and casualty insurance policies insuring Class II (RF) policyholders. The provisions of this chapter regarding the regulation of policy forms shall not apply to an exempt commercial policyholder that is also a qualifying multi-state commercial policyholder.
- The insurer must inform exempt commercial policyholders at the earliest date practical, but no later 30 days after inception of coverage, of those policy forms applying to them that have not been filed and approved by the Director. [Neb. Rev. Stat. § 44-7515]

Class III (R) Policyholders

An insurer shall not be required to file rates for commercial lines property and casualty insurance policies insuring Class III (R) policyholders. [210 NAC Ch. 73 § 004]

Commercial Deregulation – Additional Exemptions

There are no additional exemptions for Exempt Commercial Policyholders.

II. (A) Rates and Individual Risk Rates

- (A) rates and individual risk rates are allowed. (Contact State Filings Division for AIG (A) rate filings or see ISO Manual). [Bull. CB-50; 44-5020].
- Schedule rating, referred to as 'flexible rating' by the Department, may be used for all commercial lines, including medical professional liability and workers' compensation. Such rate adjustments may not be applied to any personal lines risks, including farm insurance. Pursuant to §44-7509, insurers may increase or decrease premiums on an individual risk basis up to 40% on any permitted factor.

Filing and Record Keeping Requirements

- According to the Department of Insurance, individual (A) rates or individual risk rates must be filed. (This is contrary to the ISO Manual.)
- Nebraska Bull. CB-50 exempts rates for limits and classes accorded "Guide (A) treatment" from submission for approval. The Bulletin further states that "we have had experiences where insurers will attempt to self-deem classes of insurance as eligible for "Guide (A)" treatment." This additional wording seems to indicate that an individual risk may not be (A) rated until approval has been received for (A) rating of the line of business in question.
- The insurer must maintain complete underwriting files on how it determined the rate for the individual risk and make these files available to the Department.

III. Consent to Rate

Consent to rate is allowed for property and casualty, including workers' compensation and medical professional liability. [Bull. CB-50(14). LB 1139 amending § 44-7511(6)(a)-(c)]

Filing and Record Keeping Requirements

- Written application (see attached Form R2) must be in duplicate and filed for approval (30 days prior for personal lines; file within 30 days of effective date for commercial lines, workers' comp and med mal) by the Commissioner. (Include a stamped return envelope for the Department.)

- A brief description of the reason for the rate must be provided; the reason must be more than just an inability of the insured to obtain coverage or the specific class of risk. However, consent-to-rate applications will be rejected if the reason provided is no more than the "insured's inability to obtain coverage at standard rates," simple class of risk" comments, or another reason perceived by the Department to be an attempt to obtain a generally higher rate level for those insureds who could well be described as "average" in their class.
- For workers' compensation, if the rate offered is higher than the rate from the assigned risk plan, the application must include an acknowledgment by the insured that it agrees to the higher rate even though it is aware that it may receive a lower rate from the assigned risk plan. The application must be filed within 30 days of the effective date if it complies with this acknowledgement, otherwise it must be filed for prior approval.
- For medical professional liability, the application must describe the unusual and extrahazardous exposures on the risk. The application must be filed within 30 days after the effective date.
- If the insurer uses too many consent to rate rates for workers' compensation or medical professional liability that get disapproved, the Commissioner may order that all of these rates become prior approval.
- Premium may be collected in anticipation of the approval. However, for normal prior approval lines, the premium must be refunded if the application is rejected. For file and use lines and workers' compensation, premiums need not be returned. However, the Department may require prior approval if the insurer continues to have problems with its consent to rate applications.

IV. Manuscript Endorsements

Policy forms and endorsements manuscripted and used for only a single commercial risk are exempt. This exception does not apply to any form or endorsement that the insurer has filed in Nebraska or elsewhere. Any such forms must be filed if they are offered or used for a second account in Nebraska. [Bulletin CB-50]

NEBRASKA CONSENT-TO-RATE FORM{Footnote 1}

Name & Mailing Address of the Policyholder:

Insurance Company:

Description of the substandard, unusual or hazardous condition that necessitates the use of a rate or premium higher than that which is filed by the insurer{Footnote 2} :

The rate or premium increase{Footnote 3} : _____

Policyholder signature{Footnote 4} : _____

{Footnote 1} Consent-to-rate filings must be made (two copies, please) for every usage of consent-to-rate, but this is only a sample consent-to-rate form. As long as the information contained on this form is contained on a consent-to-rate submission, it can pass muster. The usage of this specific form is not required.

{Footnote 2} An exhaustive explanation is not necessary. We simply need a clear indication of the reason for the increased rate or premium, which also gives us an assurance that the policyholder has a clear understanding of the situation. A quick warning -- reasons that merely refer to a policyholder's inability to obtain coverage at standard rates, or comments that essentially equate to "class of risk" are not acceptable.

{Footnote 3} Express the surcharge in the manner in which it has been calculated and is most easily expressed. For instance, if the premium involves a flat \$500 surcharge, then state that the premium has been surcharged \$500. If it has been increased 50%, then state that. Don't bother with trying to convert a flat amount into a percentage or a percentage into a dollar amount -- it isn't necessary.

{Footnote 4} The signature by the policyholder or an authorized representative of the policyholder (NOT the insurance agent) must be made after the rest of the information has been completed.

NEVADA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Nevada has a form of commercial exemption (**for rates only**) for commercial property and casualty insurance, excluding medical malpractice liability, dwellings (up to 4 units), personal surety, bail bond, hospital comprehensive liability, personal inland marine, vehicle mechanical breakdown and insurance for home protection on residential property. [Nev. Ins. Code § 686B.030; Bull. 98-2]
- There are no other forms of commercial deregulation in Nevada.

Filing and Record Keeping Requirements

- Commercial rates (unless excluded above) do not have to be filed.
- Commercial policy forms must be filed.

III. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

(A) rates and individual risk rates do not need to be filed.

III. Consent to Rate

- Consent to rate is allowed for property and casualty (including medical malpractice, but excluding workers' compensation). [Per E. Summers at DOI; Nev. Ins. Code § 686B.520 (1)]
- This does not apply to ocean marine; fraternal benefit societies; life and credit life; variable and fixed annuities; group and blanket health and credit health. [Nev. Ins. Code § 686B.030]

Filing and Record Keeping Requirements

A written application (*see attached Nevada Consent to Rate Form*) must be submitted to the Commissioner for prior approval within 60 days of the effective date.

The application must include:

- (a) One copy of the face of the policy;
- (b) A comparison of the filed rate to the excess rate;
- (c) A brief statement of steps which the insured can take to improve insurability and qualify for a lower rate;
- (d) A space for the insured or a representative to sign as evidence of consent to an excess rate; and
- (e) Any other information required by the Commissioner.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, per Cliff King at D.O.I, manuscript forms must be filed.

Nevada Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for Limits Amounts of Insurance Deductibles
(primary/excess)

Exposure Identification Class Territory Location of Risks

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Method to Improve Insurability: _____

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because
_____.

Insured's Signature

Authorized Representative's Signature

Date

Date

NEW HAMPSHIRE

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine risks are exempt from rate filing. [NH Ins. Code § 412.16, 414.4]
- There is commercial deregulation in New Hampshire (**for rates and forms**) for property and casualty policies, excluding workers' compensation, issued to Large Commercial Policyholders. [NH Ins. Code §§ 412:2, 414:4, 412:7]

Large Commercial Policyholder is a corporation, partnership, trust, sole proprietorship, or other business or public entity certifying that it meets any two of the following three additional criteria [§ 412:3]:

- 1) Has a net worth of \$10,000,000;
- 2) Generates annual net revenues or sales in excess of \$5 million as certified by a CPA authorized to do business in NH;
- 3) Employs more than 25 employees per individual company, or more than 50 employees per holding company and meets the following criteria:
 - Employs a risk manager for the purpose of procuring insurance;
 - Generates aggregate property and casualty insurance premiums, excluding workers' compensation, medical malpractice, life, health, and disability of \$30,000 or more.

A Large Commercial Policy Holder may also include nonprofit or public entities with annual budgets or assets \$25,000,000 or more that meet the above criteria. Municipalities with populations over 20,00 are also eligible provided their premiums meet the \$30,000 threshold described above.

- For workers' compensation, an insured whose workers' compensation premium is greater than or equal to \$25,000 may petition the commissioner to approve premium in excess of the assigned risk plan premium amount. [NH Ins. Code § 412:30]

Filing and Record Keeping Requirements

- Policy forms and rating information for large commercial policyholders need not be filed, but maintained in underwriting files and made available for inspection by the insurance commissioner.
- Policies shall contain the following disclosure:

The policy applied for, including the rates, rating plans, resulting premiums and the policy forms, are not subject to the rate and form requirements of this state and other provisions of the insurance law that apply to other commercial products and may contain significant differences from a policy that is subject to all provisions of the insurance law.
- The disclosure shall include the policyholders acknowledgement statement, to be signed and dated prior to the effective date. This signature must be kept in the underwriting file. [412:7]

Commercial Deregulation – Additional Exemptions

There are no additional exemptions for Large Scale Commercial Insureds.

- §412:16 provides that an insurer is required to file every manual, minimum premium, class rate, rating schedule or rating plan that it plans to use with the Commissioner. This does not apply to financial guaranty, employment practices liability, commercial inland marine, D&O, boiler and machinery, and commercial credit.
 - Personal lines filings must include underwriting rules necessary to determine the appropriate rate. Insurers are permitted to file final rates, or a multiplier and, if applicable, an expense constant adjustment applied to prospective loss costs. The required content of rate filings for personal and commercial products is specified. [412:16]
 - In a competitive market rate filings for commercial lines products, including commercial motor vehicle, are now "use and file." All filings must state the effective date of coverage contemplated. For all commercial lines risks, excluding large commercial insureds, all rates and supplementary rating information must be filed within 30 days of the planned effective date.

In a competitive market rate filings personal risks, including private passenger motor vehicle, are now "file and use." For all personal lines risks, all rates and supplementary rating information must be filed 30 days prior to the planned effective date.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk. However, (A) rates and individual risk rates are allowed rates. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [ISO Manual]
- Insurer must maintain complete underwriting files on how the rate was determined and make these files available to the Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers' compensation insurance. 414:4(IX)
- This does not apply to reinsurance; ocean marine; aircraft and aviation; automobile; workers' compensation insurance; and accident and health. [NH Ins. Code § 414:2]
- Refusal by a workers' compensation policy holder to be placed in the assigned pool is not reason for consent to rate [NH Ins. Code § 412:30 III]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) of the insured, stating reasons for accepting the rate, must be filed with and approved by the Commissioner.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However according to the DOI, manuscript forms must be filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____

Insured's Signature

Authorized Representative's Signature

Date

Date

NEW JERSEY
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- New Jersey has a form of commercial deregulation (**for rates and forms**) for property and casualty policies involving “Special Risks,” excluding medical malpractice and professional liability, errors & omissions liability and workers’ compensation. [N.J.S.A. §§ 17:22-6.43, 17:29:AA-5, -6, NJAC 11:13]
- **Special Risk** – is one of the following types of risks:
 - 1) Commercial lines insurance risks as specified on a list promulgated by the Commissioner (*see Special Risk List below*), which are of an unusual nature or high loss hazard or are difficult to place or rate or which are excess or umbrella or which are eligible for export (*see Exportable List below*);
 - 2) Inland marine insurance, other than personal lines (The 1976 Revision of the Nation-wide Marine Definition, adopted by the National Association of Insurance Commissioners, has been adopted by the State of New Jersey. This instrument describes, although not exclusively, the kinds of risks, which may be classified or identified as inland marine insurance.);
 - 3) Fidelity; surety or forgery bonds; or
 - 4) Commercial lines insurance risks, which produce minimum annual premium in excess of \$10,000. However, meeting the \$10,000 threshold alone only qualifies a policy for rate filing exemption. It does not qualify a policy for a form filing exemption. [17:29AA-6, 17:29AA-3]
- **Special Risk List** - The following commercial lines insurance risks are on the special risks list:
 - 1) Risks which are written on an excess or umbrella basis;
 - 2) Risks which are eligible for export as set forth on any current list of exportables promulgated by the Commissioner [N.J.S.A. 17:22-6.43]; or
 - 3) Those commercial lines insurance risks, or portions thereof which:
 - (a) Do not appear in any of the following manuals, rating plans or schedules below;
 - (b) Are excepted below from such manuals, rating plans or schedules; or
 - (c) Are specifically designated special risks below, are found to be special risks which are of an unusual nature or high loss hazard or are difficult to place or rate.

I. RATING ORGANIZATION MANUALS, RATING PLANS, OR SCHEDULE AND EXCEPTIONS

A. INSURANCE SERVICES OFFICE

1) COMMERCIAL LINES MANUAL (including Commercial Automobile Supplementary Rating Procedures)

Except risks which are designated as:

- (a) "A" rated;
- (b) "Refer to company" either exclusively or in the alternative;
- (c) "Submit to company";
- (d) Property owned by the Federal government;
- (e) Railroad property;
- (f) Computer fraud risks; or
- (g) Extortion risks.

2) COMMERCIAL AUTOMOBILE SUPPLEMENTARY RATING PROCEDURES

B. MUTUAL SERVICE OFFICE SPECIAL MULTI PERIL MANUAL, BURGLARY AND THEFT MANUAL FIRE AND ALLIED LINES MANUAL

Except risks designated as:

- (a) "A" rated;
- (b) "Refer to company" either exclusively or in the alternative; or
- (c) "Submit to company" .

C. CROP-HAIL INSURANCE ACTUARIAL ASSOCIATION MANUAL

D. AMERICAN ASSOCIATION OR INSURANCE SERVICES GENERAL LIABILITY MANUAL

Except risks as designated as:

- (a) "A" rated;
- (b) "Refer to company" either exclusively or in the alternative; or
- (c) "Submit to company" .

E. MILL AND ELEVATOR RATING BUREAU MANUAL

F. SPECIAL RISK EXCEPTIONS

- Notwithstanding anything aforesaid, the following risks are not special risks and are specifically excepted from the special risks list:

- 1) Legal malpractice liability
- 2) Medical malpractice liability
- 3) Hospitals professional liability
- 4) Physicians and surgeons professional liability
- 5) Dentist professional liability
- 6) Employees professional liability
- 7) Nurses professional liability
- 8) Optometrists professional liability
- 9) Physiotherapists professional liability
- 10) Chiropodists professional liability

II. SPECIFICALLY DESIGNATED SPECIAL RISKS

A. INSURANCE SERVICES OFFICE

- 1) Risks rated under any of the following schedules are special risks:

- (a) Petroleum properties;
- (b) Petrochemicals plans;
- (c) Electric generating stations;
- (d) Natural gas pumping stations;
- (e) Coal, oil and water gas plants;
- (f) Electric traction properties.

- 2) Risks insured under the provisions of the Highly Protected Risks Rating Plan are special risks.

- B. Preferred risk properties insured and rated as shown in the rules and rating schedules of the FACTORY MUTUAL SERVICE BUREAU are special risks.

- C. All commercial insurance aviation risks (including those rates from the AVIATION INSURANCE RATING BUREAU Schedule of Rates) are special risks.

- D. All nuclear insurance risks are special risks.

- E. All Animal Mortality risks are special risks.

- F. All Credit Insurance risks are special risks.

- G. All Boiler and Machinery risks are special risks.

- Exportable List is as follows:

- 1. Amusement Devices, Parks and Carnivals;
- 2. Animal Mortality;
- 3. Armored Cars;
- 4. Auto Racing and Race Tracks;
- 5. Day Care Center Liability;
- 6. Difference In Condition;
- 7. Environmental Impairment Liability Insurance;

8. Excess and Buffer Liability;
9. Excess Loss and Excess Aggregate for Self-Insurers; Public Liability and Workers' Compensation;
10. Golf Driving Range;
11. Fine Arts Dealers;
12. First Loss and Excess of First Loss Insurance;
13. House Movers and Building Demolition;
14. Kidnapping, Ransom and Extortion Insurance;
15. Manufacturers and Contractors Liability for Floor Waxers, Building Maintenance People, Window Washers and Exterminators;
16. "Large Risks" which means any insured:
 - i. Which procures insurance for any property casualty risk by use of the services of either an employee who is a full-time insurance manager or buyer, or a regularly and continuously retained qualified insurance consultant; and
 - ii. Whose aggregate commercial premiums for insurance (excluding, Life, Health and Accident, Annuities and Workers' Compensation insurance) total at least \$500,000;
17. Motor vehicle coverage as follows:
 - i. Physical Damage Coverage for Limousines; and
 - ii. Physical Damage Coverage for Trucks, including trailers and trailer interchange (over 10,000 pounds) for Non-Fleet (one to five) risks, and commercial fleet (over five) risks irrespective of gross vehicle weight;
18. Mortgage Impairment;
19. Pony Rides/Riding Academies;
20. Physical Damage Coverage for Private Passenger and Commercial Vehicles with an original cost new of \$40,000 or above;
21. Product Liability Products or Products Recall Coverage;
22. Professional Liability insurance as follows:
 - i. Errors and Omissions; and
 - ii. Professional Liability except:
 - (1) Legal malpractice liability;
 - (2) Medical malpractice liability
 - (A) Hospitals Professional Liability
 - (B) Physicians and Surgeons Professional Liability
 - (C) Dentist Professional Liability
 - (D) Employees Professional Liability
 - (E) Nurses Professional Liability
 - (F) Optometrists Professional Liability
 - (G) Physiotherapists Professional Liability
 - (H) Chiroprodists Professional Liability
23. Short Term Events;
24. Skating Rinks (Roller and Ice) and Skate Board Parks;
25. Swim Clubs/Swim Pools;
26. Vacant and Unoccupied Building;
27. Warehouseman's Legal Liability;
28. Automobile Personal Injury Protection (PIP) coverage in excess of \$250,000;
29. Commercial auto liability for taxi cabs; (Eligible Surplus Lines insurer's certificate of eligibility must state that they are permitted to write this risk.)
30. Commercial auto liability for intermediate and long-haul trucking; (Eligible Surplus Lines insurer's certificate of eligibility must state that they are permitted to write this risk.)
31. Liquor Liability;
32. Employment Practices Liability; and
33. Gap Coverage for Private Passenger and Commercial Automobile.

Filing and Record Keeping Requirements

- Rates and forms involving Special Risks are exempt from filing requirements.
- All other commercial rates and forms must be filed.

Commercial Deregulation – Additional Exemptions

There are no additional exemptions for Special and Large Risks

II. (A) Rates and Individual Risk Rates

(A) rates and individual risk rates (a.k.a “Special Risks”) are allowed. [Bull. 95-6; Bull. 93-14; N.J.S.A. 17:29AA]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed, except for legal liability and medical malpractice risks, which must be filed within 30 days of the effective date. [ISO Manual]
- Insurers must maintain complete underwriting files, loss and expense statistics, financial and other records with respect to each risk. These files are subject to review by the Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers’ compensation. [17:29A-7.1, NJAC 11:4-7.1, -7.3, Circ. Letter A-13 (6/26/73-Auto), C.L. PL-9 (4/4/75-Non-Auto)]
- This does not apply to reinsurance, other than joint reinsurance; any policy of insurance against loss or damage to or legal liability in connection with property located outside this State; or any motor vehicle or aircraft principally garaged and used outside of this State, or any activity wholly carried on outside this State; ocean marine (as distinguished from inland marine); classes of inland marine insurance for which no class rates, rating plans or special rates are customarily fixed by a rating bureau or bureaus; accident, health, or life insurance; annuities; title insurance; mortgage guaranty insurance; or workers' compensation and employer's liability insurance. [N.J.S.A.17:29A-25]

Filing and Record Keeping Requirements

- There are three separate forms for consent to rates: one for Auto, one for Fire and Allied Lines and one for Other than Auto, Fire and Allied Lines.
- Each written application (*see attached forms*) must include a transmittal letter in duplicate on company letterhead signed by the person submitting the proposal, providing the premium, the name and address of the insured and insurer, the kind of coverage or risk, the normal, additional and total payable premium.
- For all lines, except auto and fire and allied lines, a written application of the insured, stating reasons for accepting the rate, must be filed with and approved by the Commissioner within 20 working days after the insured has signed it or within 20 working days of the inception of the policy, whichever is earlier.
- For automobile insurance, liability and physical damage, the abstract of the driving record from the DMV is attached.
- In the case of fire and allied insurance, an application must be submitted only if the risk is not eligible for coverage under the New Jersey Insurance Underwriting Association (the Fair Plan). For a fire policy, the application must attach an inspection report, based upon an inspection performed by a qualified person is attached. For a fire and allied policy, if there is coinsurance, the policy when issued will contain a coinsurance clause which limits the liability of the insurance company if the amount of insurance is less than the stated percentage of the actual cash value of the property.

IV. Manuscript Endorsements

Manuscript forms must be filed pursuant to NJ Ins. Law 29A:A-6 unless they are exempt as Special Risks.

Consent to Higher Rate Filing Under N.J.S.A. 17:29A-7.1 (Chapter 214, P.L. 1962)
New Jersey Department of Insurance – Automobile Insurance

Company _____
Name and Address

Insured _____
Name and Address

Agent or Broker _____
Name and Address – Reference No.

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Coverages Applied For		Class	Terr.	Discounts*	Points**	Limits	Age Symbol
Bodily Injury	Car #1						
	Car #2						
Property Damage	Car #1						
	Car #2						
Comprehensive	Car #1						
	Car #2						
Collision	Car #1						
	Car #2						
Add'l PIP Option	#						

U.M.

*Specify:

**Number of Surcharge Points Based on Attached Abstract of Driving Record.
Including Basic Personal Injury Protection.

Note: The information in columns (2) to (7) may be shown on any other form, such as a computer printout if not readily available to the company.

Statement by Insured: **“I consent to the premium shown as ‘Premium Payable’ on this application which is higher would normally apply because of the greater hazard involved:”**

Signature of Insured

Date

Statement by Company and Producer:

The rating information shown above truly reflects information supplied by the insured and the correct application of the rating system in effect for the New Jersey Automobile Insurance Plan. Under penalty of N.J.S.A. 17:29A-16 and N.J.S.A. 17:29A-22, I certify that this application was fully completed as shown, before signed by the applicant.

Signature of Licensed NJ Producer
Date

Producer License #
Date

Expiration

**New Jersey Consent to Rate Form
For Fire and Allied Lines**

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for	Class	Terr.	Limits	Deductibles	Coins.
			(primary/excess)		

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Underwriting Information (attached) _____

Consent of Insured: "I consent to the premiums shown as "Premium Payable" on this application which is higher than would normally apply because of the greater hazard involved. If a percentage is shown in the column headed "Coins.", the policy when issued will contain a coinsurance clause which limits the liability of the insurance company if the amount of insurance is less than the stated percentage of the actual cash value of my property."

Insured’s Signature Date

Statement of Producer or Company: “Under penalty of NJS 17:29A-16 and NJS 17:29A-22, I declare that this application was fully completed and shown, before signed by the applicant. If a percentage is shown in the column headed "Coins.", the policy when issued will contain a coinsurance clause which limits the liability of the insurance company if the amount of insurance is less than the stated percentage of the actual cash value of the property”

Signature of Licensed Producer Date

Signature of Company Representative Date

NEW MEXICO
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

There are currently no forms of commercial deregulation in New Mexico according to the D.O.I..

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [ISO Manual]
- Insurer must maintain complete underwriting files on how it determined the rate for any individual risk and make these filings available to the Commissioner.

III. Consent to Rates

- Consent to rates is allowed for property and casualty [NM Ins. Code 59A-17-10], including workers' compensation. [NM Ins. Code 59A-17-12(B)]
- This does not apply to reinsurance wet marine and transportation; life; variable and fixed annuities; and health insurance. [NM Ins. Code 59A-17-2]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) must be filed for prior approval with the Superintendent.
- The application must be maintained in the files.

IV. Manuscript Endorsements

Policies, contracts, endorsements and riders of unique and special character not for general use or offering but designed and used solely as to a particular insured or risk are exempt from filing. [NM Ins. Code 59A-18-12]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
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Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

NEW YORK
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine risks are exempt from rate filing. [NY Ins. Code § 2305]
- New York also has a form of commercial deregulation (**for rates and forms**) for commercial property and casualty policies involving “Special Risks” (risks falling in the Free Trade Zone). [NY Ins. Code § 6303; Reg. 86; Circ. Letter No. 4 (1996)]
- An insurer must be licensed to write Special Risks in the Free Trade Zone.

Special Risks include the following:

Class 1 - all or part of an insured’s business operations insured under a single policy with a billed annual premium of \$100,000 (\$200,000, if the premium for more than one kind of insurance does not exceed \$100,000)

Class 2 - risks of an unusual nature, high loss hazard or difficult to place (*see Unusual Risk List below*).

Class 2 - Unusual Risk – is one of the following Statistical Classification Codes (for further descriptions of the following lines, see Reg. 16.12):

- 2-14006 Air Bag Repacking
- 2-14007 Alarm System Liability
- 2-14190 Amusement Parks and Carnivals
- 2-14191 Amusement Rides and Devices
- 2-14165 Animal Liability
- 2-10017 Animal Mortality
- 2-14010 Animal Rides
- 2-16003 Armored Car, Couriers or Check Cashing Operations
- 2-22003 Auto Racing and Automobile Race Track Liability
- 2-13001 Automobile Personal Injury Protection (PIP) (Excess of \$150,000)
- 2-22002 Automobile Racing Liability
- 2-14019 Banks -- Mortgage Interest -- All Risks
- 2-13002 Blood Banks, Blood and Organ Facilities Liability
- 2-13003 Boats and Yachts, Boat Rentals
- 2-01007 Commercial Excess Property Insurance (at least \$1 million in coverage)
- 2-13000 Commercial Excess and Umbrella Liability Insurance (underlying policy limits - \$1 mil./occurrence)
- 2-14000 Contractual Liability -- Large Contracts
- 2-14041 Data Processing Company Products Liability
- 2-14043 Demolition Contractors Liability
- 2-14045 Directors and Officers Liability Insurance -- Education
- 2-14176 Directors and Officers Liability Insurance – Insurance Companies and Financial Institutions
- 2-14177 Directors and Officer Liability Insurance -- Large Commercial Insureds
- 2-14161 Directors and Officers Liability Insurance -- Political Action Committees
- 2-14047 Directors and Officers Liability Insurance -- Public Officials
- 2-14048 Directors and Officers Liability Insurance -- Union Officials
- 2-01006 Electrical Disturbance
- 2-14181 Elevator Contractors Liability Insurance
- 2-14055 Environmental Impairment/Pollution Liability
- 2-14192 Explosives, Munitions or Fireworks
- 2-14060 Exterminators, Herbicide and Pest Control Contractors Liability
- 2-14061 Fair Employment Practices Liability
- 2-04002 Federal Crime Program -- Excess on Commercial Risks
- 2-14183 Fiduciary Liability (Risks Outside New York)
- 2-14160 Film Producers/Theatrical Producers Indemnity Insurance
- 2-05001 Fine Art Dealers
- 2-01010 First Loss Property Insurance
- 2-05002 Flood Insurance (excess of Federal Flood Program limits or unavailable from Federal Flood Program)
- 2-13004 Golf Driving Range Liability
- 2-10001 Horse and Pony Policy
- 2-13005 Horseback Riding Establishments

2-14193 House Movers and Building Demolition Contractors
 2-14072 Institutional Administrators Liability
 2-14198 Interior Designers
 2-14174 Joint Hospital and Voluntary Attending Physician Professional Liability Insurance
 2-07001 Kidnap and Ransom Insurance
 2-14057 Large Deductible or Self-Insured Retention Insurance
 2-13006 Lead Liability Insurance
 2-13007 Liquor Law Liability Coverage
 2-10004 Livestock -- Prospective Foal Coverage
 2-14088 Logger's Liability Coverage
 2-14162 Media Liability
 2-2026 Mobile Home -- Emergency Removal Service
 2-14196 Natural Disaster Protection
 2-14999 Nuclear Risk Insurance
 2-14104 Petroleum Refineries -- Excess of Loss Liability
 2-50000 Political Risk Insurance
 2-10014 Poultry
 2-14115 Private Guards, Patrols, and Security Forces Premises and Operations Liability
 2-14116 Product Failure Liability Insurance
 2-14194 Product Liability Insurance
 2-14118 Products -- Recapture or Recalled
 2-14119 Product Tampering

PROFESSIONAL/ERRORS AND OMISSIONS LIABILITY

2-14002 Accountants
 2-14013 Architects
 2-14178 Attorney's Errors and Omissions -- Large or High Risk Firms
 2-14005 Advertisers
 2-14021 Beauty Schools
 2-14169 Cable Access Television (CATV)
 2-14026 Clinical Laboratories
 2-14028 Collection Agencies
 2-14163 Community Health Center Wraparound
 2-14035 Corporate Trustees
 2-14042 Data Processors -- Programmers and Analysts
 2-14051 Employee Benefit Plan Trustees
 2-14054 Engineers
 2-14164 Excess and Surplus Lines Brokers
 2-14172 Film Distributors
 2-14179 Insurance Companies and Financial Institutions (E&O coverage)
 2-14076 Investment Counselors
 2-14078 Land Surveyors
 2-14180 Large Firms (having annual billings of \$20,000,000)
 2-14092 Marine Surveyors
 2-14170 Medical Arts Schools and Colleges
 2-14096 Mobile X-Ray Units
 2-14036 Municipal and Public Entities
 2-14100 Mutual Funds
 2-14103 Nursing Homes -- Administrators
 2-14106 Paramedics
 2-14167 Physicians/Faculty Members
 2-14185 Physicians -- Temporaries
 2-14109 Pension Plan Trustees
 2-14108 Pension Plan Consultants
 2-14111 Physicians -- Medical Students (Those in training to be physicians or nurses)
 2-14171 Psychologists
 2-14112 Police Officers
 2-14166 Publicists and Public Relations
 2-14125 Reducing Salons
 2-14129 Scalp Treatment

2-14138	Social Services Agencies
2-14139	Social Workers
2-14143	Stockbrokers
2-14168	Talent (Artists)
2-14153	Trustees and Fiduciaries
2-14155	Trustees -- Trust Department
2-13008	Recreational Guide Services
2-22004	Residual Value Insurance (Commercial Risks Only)
2-27008	Schools -- Special Education Programs (Legal Liability)
2-14130	Securities and Exchange Act Liability Insurance
2-14195	Security Guards -- Armed and/or Using Dogs
2-13009	Skating Rinks Liability coverage for injury to participants and spectators in ice and roller skating rinks
2-13010	Ski Area Liability
2-28003	Ski Resort High Limit -- Accidental Death and Dismemberment Coverage in excess of \$500,000 only
2-14141	Special Events Insurance
2-14142	Sports Instructors Liability Coverage for judo and karate, scuba or skin diving, water-ski or snow-ski
2-02038	Television Breakdown
2-13011	Tractor Pulls/Mud Bogs Liability
2-50001	Trade Credit Insurance
2-18001	Tuition Refund Broad and Limited Plans
2-14196	Warehouseman's Liability Coverage for the liability of a warehouse owner and/or operator for loss or damage
2-01001	Weather Insurance

Filing and Record Keeping Requirements

- Rates and forms for a Free Trade Zone policy, one involving a Special Risk, need not be filed.
- Free Trade Zone (Special Risks) are not exempt from other statutory requirements other than rate and form filing requirements.
- A Free Trade Zone policy shall contain a notice to the policyholder that the rates and policy forms are not subject to the filing requirements of this state and such other notices required by the superintendent pursuant to regulation.
- The rates applied to policies issued in the free trade zone must still not be excessive, inadequate, unfairly discriminatory, destructive of competition, detrimental to insurer solvency, or otherwise unreasonable.
- Every binder, policy, contract, rider and endorsement issued in the free trade zone on special risks located or resident in New York State shall comply with minimum standard policy provisions of the Insurance Law.
- Each insurer shall maintain in its files the premium charged for each special risk and the basis for the rate or premium.
- An insurer cannot make a non-Special Risk fall into the Free Trade Zone by attaching it to an otherwise Free Trade Zone policy.

II. (A) Rates and Individual Risk Rates

(A) rate and individual risk rates are allowed (contact State Filings Division for (A) Rate lines). [11 NYCRR 161.0 *et seq.*]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates are not required to be filed with the superintendent, **except** the following risks must be filed for approval (30 day deemer): workers' compensation; motor vehicle insurance, or surety bonds required by law; joint underwriting; motor vehicle assigned risk; New York Property Insurance Underwriting Association insurance; risk sharing plans; title; medical malpractice; Medical Malpractice Insurance Association insurance; mortgage guaranty insurance; credit property and gap. [11 NYCRR §§ 161.11; 161.12]
- For risks not filed, all rating information used to support the rate must be retained in the insurer's individual underwriting file for each policy issued, for a period of five years from the date of first issuance of such policy, and shall be available for inspection by the superintendent at any time.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, including workers' compensation (2347) and medical malpractice (O.G.C. Op. 99-158). [Ins. Code §§ 2302, 2305, 2309]
- This does not apply to reinsurance, other than joint; accident and health; annuities, life insurance, marine insurance (other than inland marine insurance and insurance upon automobiles, airplanes, seaplanes, dirigibles or other aircraft); marine protection and indemnity insurance; insurance issued by an assessment cooperative fire insurance company; and service contract reimbursement insurance. [Ins. Code § 2302]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) of the insured, stating reasons for accepting the rate, must be filed with and approved by the Superintendent.
- The application must be maintained in the files.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, per the DOI, manuscript forms are not filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
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Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

_____.

Insured's Signature

Authorized Representative's Signature

Date

Date

NORTH CAROLINA

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine is exempt from form filing. [§ 58-41-50]
- There are no other forms of commercial deregulation in North Carolina.

II. (A) Rates and Individual Risk Rates

(A) rates and individual risk rates are allowed. [11 NCAC 10.0105]

Filing and Record Keeping Requirement

- (A) rates must be filed at least 60 days before the effective date unless the insurer files a schedule of rates.
- If a schedule is filed, an individual (A) rate need only be filed if the rate falls outside of the filed range of rates or the risk is not covered by the schedule. The filing must be done within 60 days after the effective date.
- For (A) rate filings, the filing must include a statement describing how the rate was calculated, a statement of why the individual risk filing was needed, a certification that the rate is not excessive, inadequate or unfairly discriminatory and any form or endorsement not previously filed and approved for use.
- Individual risk rates must be filed within 60 days after the effective date and include a statement describing how the rate was calculated, a statement of why the individual risk filing was needed, a certification that the rate is not excessive, inadequate or unfairly discriminatory and any form or endorsement not previously filed and approved for use. [11 NCAC 10.0105; ISO Manual]

III. Consent to Rates

- Consent to rates is allowed for property and casualty, including workers' compensation and employers' liability. 58-36-1; 58-36-30(b) (private passenger auto, homeowners and farm dwellings); NC Ins. Code 58-40-15; 58-40-30(c) (other Property and Casualty lines). [11 NCAC 10.0602 - .0607]
- This does not apply to reinsurance, other than joint reinsurance, property outside the state or a vehicle or aircraft primarily located outside the state, ocean marine, life, accident and health and mortgage guaranty. [NC Ins. Code 58-40-15]

Filing and Record Keeping Requirements

- A written application of the insured, stating reasons for the accepting the rate must be obtained.
- There are two types of applications depending upon the line of coverage involved.
 - 1) The first written application applies to residential property and contents (not more than 4 units) (excluding farm dwellings), theft and physical damage to private passenger (nonfleet) auto, liability for auto, auto medical payments, uninsured motorist coverage and other related auto liability coverages, and workers' compensation and employers liability (*See attached Consent to Rate – Personal Lines and Workers' Compensation Form*).
 - 2) The second written application applies to all other property and casualty lines (*See attached Consent to Rate Form – P&C Commercial Coverage*).
- Any application for workers' compensation and employers' liability must be filed with the Commissioner.
- For lines other than workers' compensation and employers' liability, filing is not required unless the rate charged exceeds 250%, in which case, the rate must be filed for prior approval with the Commissioner.
- For nonfleet private passenger auto, the insurer need only file for prior approval if the rate exceeds 550% of the rate with no Safe Driver Incentive Plan points.
- The application and other policy information for each insured must be kept on file by the insurer and made available to the Commissioner, upon request.
- The insurer is not required to obtain written consent of the insured on any renewal of or endorsement to the policy if the policy renewal or endorsement states that the rates or deductible, or both, are greater than those rates or deductibles, or both, that are applicable in the State of North Carolina.
- When consent to rate procedures are used to provide motor vehicle liability coverage limits, the application to effect consent to rate must also show the higher liability limits required by the excess liability insurer. [11 NCAC 10.0605]

IV. Manuscript Endorsements

Manuscript forms must be filed with the department. [11 NCAC 10.0105]

**North Carolina Consent to Rate
Personal Lines and Workers' Compensation Form**

Name of Insurer _____
 Address of Insurer _____
 Name of Producer _____
 Address _____
 License Number of Producer _____
 Name of Insured _____
 Address _____
 Policy Number (if known) _____
 Effective Date of Policy _____
 Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
 (primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
 _____ Additional Premium (for extra hazard) – estimate if policy is audited
 _____ % Increase to Manual Premium
 _____ Total Premium (Premium Payable)

** **For Nonfleet Private Passenger Automobile Physical Damage Insurance Policies Only –**
 The rate charged (Premium Payable) does not exceed the rate that would be applicable if the Insured had been charged 550% of the rate with no Safe Driver Incentive Plan Points.

*** **If Applicable:** I, the Insured, acknowledge that coverage for the risks listed above is available through the following residual market (circle one of the following), but consent to the Premium Payable.

FAIR Plan Beach Plan N.C. Reinsurance Facility N.C. Workers' Compensation Insurance Plan

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

_____.

 Insured's Signature

 Date

 Authorized Representative's Signature Date

**North Carolina Consent to Rate
P&C Commercial Coverage**

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

** **If Applicable:** I, the Insured, acknowledge that coverage for the risks listed above is available through the following residual market (circle one of the following), but consent to the Premium Payable.

FAIR Plan Beach Plan N.C. Reinsurance Facility N.C. Workers' Compensation Insurance Plan

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Date

Authorized Representative's Signature Date

NORTH DAKOTA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine is exempt from rate filing. [§ 26.1-25-04]
- There are no other forms of commercial deregulation in North Dakota.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [ISO Manual]
- Insurer must maintain complete underwriting files on how the rate was determined and make these files available to the Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers' compensation (monopolistic). [§ 26.1-25-04, Bull. 98-1]
- This does not apply to reinsurance other than joint reinsurance; accident and health; ocean marine; and aircraft hull and aviation.

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) of the insured, stating reasons for accepting the rate, must be filed with and approved by the Commissioner. [§ 26.1-25-04, Bull. 98-1]
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Manuscript forms must be filed. [§ 26.1-30-19]

NORTH DAKOTA DEPARTMENT OF INSURANCE
Consent to Rate Application Form NDPC400

Please file and approve the following rates, which I understand are Excess of those rates otherwise filed with the North Dakota Department of Insurance

Company Name _____ NAIC # _____
Company Address _____

Company Representative _____ Date _____

POLICY INFORMATION

Type of Business _____

Location(s) of Risk _____

Description of Coverage _____

Policy Number _____ Effective Dates/Term of Policy _____

Policy Limits _____

Filed Manual Premium _____ Proposed Premium _____

APPLICANT INFORMATION

I am agreeable to paying this premium because of the following reason(s): _____

Name of Insured (Applicant) _____

Mailing Address _____

Signature of Named Insured _____ Date _____

OHIO

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine is exempt from filing (**rates and forms**). [§ 3935.04]
- There are no other forms of commercial deregulation in Ohio.

II. (A) Rates and Individual Risk Rates

- (A) rates and individual risk rates are allowed. [Bull. 2000-3]
- For casualty and motor vehicle, special filings may be made at any time with respect to any individual or special risks whose size, classification, degree of exposure to loss, previous loss experience, or other relevant factors call for the exercise of sound underwriting judgment in the promulgation of rates appropriate to such individual or special risks. [§ 3935.03(E)]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [Bull. 2000-3; §§ 3937.03; 3935.04]
- Insurers must document their underwriting files with the policy and all supporting rate documentation and maintain that information for a period of 3 years. It is suggested that the file include the identity of the insured, total premium, type of risk and specific reasoning for why the risk is so rated.

III. Consent to Rate

- Consent to rate is allowed for property and casualty lines, excluding workers' compensation (monopolistic). [§§ 3935.04(G); 3937.03(G); Bull. 2000-3]
- This does not apply to reinsurance, other than joint reinsurance; accident and health; aircraft and aviation; and workers' compensation liability. [§§ 3935.02; 3937.01]

Filing and Record Keeping Requirements

- There is no filing requirement.
- The insurer must, however, obtain a written application (*see attached Consent to Rate Form*), signed by the insured and stating the reasons for accepting the rate, must be maintained by the insurer for inspection by the superintendent, upon request, for a period of not less than three years.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, per the DOI, manuscript forms are not filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

[OKLAHOMA](#)
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds are exempt from form filing. [OK Ins. Code 36 § 3610]
- Inland marine risks are exempt from rate filing. [OK Ins. Code 36 § 903]
- Oklahoma has commercial deregulation (**for rates only**) for property and casualty policies, excluding workers' compensation, employers liability, accident & health, ocean marine and title, involving Commercial Special Risks. [OK Ins. Code 36 § 981-997; Bull. PC 99-1]

Commercial Special Risks - the following categories of commercial lines risks are special risks and are exempt from the rate filing and review requirements:

- Commercial risks written on an excess or umbrella basis;
- Commercial risks that are (A) rated;
- Commercial lines risks which produce a minimum annual premium total of \$10,000; and
- Specifically designated special risks, including:
 - Risks insured under the Highly Protected Risks Rating Plan,
 - Aviation,
 - Credit,
 - Boiler and machinery,
 - Inland marine,
 - Fidelity and surety; and
 - Any other risks so designated by the Commissioner.

Filing and Record Keeping Requirements

- Rates for policies on commercial special risks need not be filed. [OK Ins. Code 36 § 997]
- Underwriting files, premiums, loss and expense statistics, financial and other records regarding special risks shall be maintained by the insurer and shall be subject to examination by the Commissioner.

II. (A) Rates and Individual Risk Rates

(A) rates and individual risk rates are allowed. [OK Ins. Code 36 § 987; 36 § 997]

Filing and Record Keeping Requirement

- Commercial (A) rates and individual risk rates need not be filed. [ISO Manual]
- Insurer must maintain complete underwriting files and make available for review by Department upon request.

III. Consent to Rates

- Consent to rate is allowed for property and casualty, including workers' compensation (per M. Armstrong of the DOI).
- This does not apply to life; accident and health; reinsurance, other than joint reinsurance, ocean marine, as distinguished from inland marine; aircraft and aviation; title; and bail bonds. [OK Ins. Code 36 §§ 901, 902; OAC 570:10-1-9]

Filing and Record Keeping Requirements

- Written application (*see attached Oklahoma Excess Rate Application*) must be filed either before or within a reasonable time after the effective date of the policy.
- Application must be submitted in duplicate with a self-addressed stamped envelope.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Policies, riders, endorsements of unique character designed for use upon a particular subject are exempt. [OK Ins. Code 36 § 3610]

**OKLAHOMA
EXCESS RATE APPLICATION**

TO: State Board for Property and Casualty Rates
P.O.Box 53066
Oklahoma City, OK 73152

GENTLEMEN:

Kindly file for _____ (Insurance Company) the following rates which I understand are in excess of those otherwise applicable.

This percentage increase is understood to apply to the manual premium ____%.

These rates are to apply to the following exposures: _____ and any exposures determined at final audit.

Kind of coverage: _____

Policy Number: _____

Period of Coverage: _____

Policy Limits: _____

Manual Premium at above limits: _____ (estimate if policy is subject to audit)

Proposed premium at above limits is: _____ (estimate if policy is subject to audit)

I am agreeable to paying this premium because (2) _____

Named Insured _____

Signed By: _____

(3) Title: _____

(4) Date: _____

- (1) Submit in duplicate with stamped self-addressed envelope
- (2) To be completed by insured
- (3) Excess form must be signed by insured
- (4) Date insured signed form

OREGON
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Reinsurance, wet marine and transportation insurance are exempt from form filing. [OR Ins. Code § 742.001]
- Inland marine is exempt from rate filing. [OR Ins. Code § 737.205]
- There are no other forms of commercial deregulation in Oregon.

II. (A) Rates and Individual Risk Rates

(A) rates and individual risk rates are allowed (contact State Filings Division for AIG (A) rate filings or see ISO Manual). [Bull. 86-3]

Filing and Record Keeping Requirements

- "Guide (A)" or "refer to company"
- (A) rates must be filed with the department.
- However, for those classifications where an "A" symbol or "refer to company" procedure is indicated and for those classifications where a modification from the published "guide" rate is desired, the insurer must submit an individual risk filing to the department. If such modification produces a rate in excess of that under the published "guide", the modification must be approved by the department prior to its use.
- An insurer filing independently to utilize a "guide (A)" rate procedure must submit its "guide (A)" rate submissions.
[Bull. 86-3; 737.205; OR Ins. Code 737.207; 737.310; OAR 836-042]

III. Consent to Rate

- Consent to rate is allowed for property and casualty, including workers' compensation [OR Ins. Code §§ 737.310, 737.325]
- This does not apply to reinsurance, other than joint reinsurance; aircraft hull and aviation; wet marine and transportation; life; or health. [OR Ins. Code § 737.035]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) must be filed with and approved by the Director.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Forms of unique character which are designed for use upon a particular subject are exempt from filing. [OR Ins. Code § 742.003]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

PENNSYLVANIA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- There is a commercial exemption for policy forms (**for forms only**) for those commercial property and casualty lines specifically listed below. [Ins. Dept. Notice 95-9]
- There is a form of commercial deregulation in Pennsylvania (**for rates and forms**) for commercial property and casualty policies, excluding workers' compensation, involving Large Commercial Risks. [Ins. Code 40-66-101-105]

Large Commercial Risk is a risk of a commercial entity, that is not a personal risk:

- Whose aggregate annual property and casualty premiums on all policies, excluding workers' compensation, total at least \$25,000, or which has at least 25 full-time employees at the time the policy is written or renewed, and
- For which the entity uses an employee acting as an insurance manager or buyer or a retained qualified insurance consultant or risk manager provided the insurance is procured in accordance with the laws of this Commonwealth.

LINES OF BUSINESS DEREGULATED (for forms only)

- Aircraft hull and aviation liability
- Excess of loss policy in an amount of at least \$10,000 from any one event issued to self insureds
- Manuscript policies and endorsements issued to not more than three (3) insureds in Pennsylvania
- Inland marine
- Following form commercial excess and umbrella
- Commercial excess and umbrella policies if the underlying policy provides limits of at least \$1 million
- Expropriate coverage
- Kidnap and ransom
- Political risk
- Extortion risk
- Computer fraud
- Crop and hail
- Mortgage guaranty
- Fidelity and surety
- Flood insurance
- Boiler and machinery
- Financial guaranty products
- Output policies
- Highly protective risk policies

Filing and Record Keeping Requirements

- Rates and forms for policies on Large Commercial Risks are exempt from filing.
- The insurer shall disclose to the insured on Large Commercial Risks that forms and rates are exempt from filing requirements. Disclosures made by the insurer shall be maintained by the insurer.
- The commercial property and casualty lines listed above are not subject to policy form filing requirements.

II. (A) Rates and Individual Risk Rates

There is no statutory provision for (A) rates or individual risk rates. However, (A) rates and individual risk rates are allowed (contact State Filings Division for AIG (A) rate filings or see ISO Manual). [ISO Manual]

Filing and Record Keeping Requirement

- (A) rates must be filed; the rates are effective upon filing.
- Individual (A) rate risks do not need to be filed if the insurer files a schedule or rates. If the insurer chooses to file a schedule, individual risks need only be filed if they deviate from the schedule or the risk class does not fall within the schedule.
- For those filings, the filings must include a copy of the Declaration Page and a statement in the filing letter that the filing being submitted to comply with Section 1184(e) of the Casualty and Surety Rate Act.
- Individual risk rates need only be filed if they deviate more than 25% from the filed rates; in such situation, the rates must be filed within 30 days after the effective date. The filing must include copy of the Declaration Page and a statement in the filing letter that the filing being submitted to comply with Section 1184(e) of the Casualty and Surety Rate Act.
- For all risks, the insurer must maintain complete files, including an explanation of the factors used in determining the rate or classification of the risk and make these files available to the Department upon request.

III. Consent to Rate

Consent to rate is allowed for property and casualty, including workers' compensation. [PA Ins. Code 40-53-104, 77-1-716 (WC), 40-61-137 (title), 40-67-104 (P&C), 40-65-104(Cas. & Surety), 75-2003 (Auto)]

This does not apply to reinsurance, other than joint reinsurance, accident and health and aircraft. [PA Ins. Code 40-65-102]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) of the insured, stating his reasons for rate must be filed with and approved by the Commissioner.
- The rate shall become effective when such consent is filed and shall be deemed to meet the requirements of this Act until such time as the Commissioner reviews the filing and so long thereafter as the filing remains in effect.
- Workers' Compensation applications must be approved by the commissioner before taking effect.

IV. Manuscript Endorsements

Manuscript forms may be issued to up to 3 insureds before having to be filed. [Notice 95-9]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

RHODE ISLAND
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine risks are exempt from rate filing. [§ 27-6-8]
- There is a form of commercial deregulation in Rhode Island (**for rates and forms**) for policies involving Commercial Special Risks located in the state. [§§ 27-65-1- 27-5-2.1]
- Life, accident and health, mandatory auto, workers' compensation and employers' liability insurance, and annuities and insurance written through a residual market, shall remain subject to all filing and approval requirements.

Commercial Special Risks are defined as:

1. Risks written as Commercial Lines Insurance, as defined, and which are written on an excess or umbrella basis;
2. (A) rated risks;
3. Risks written as Commercial Lines Insurance which employ or retain the services of a "risk manager" and which also meet any one of the following criteria:
 - Net worth over \$50 million;
 - Net revenues/sales over \$100 million;
 - More than 500/1000 employees, per company/holding company;
 - Aggregate premiums of over \$150,000, excluding group life, group health, workers' compensation and professional liability (including but not limited to errors and omissions and directors and officers liability);
 - Not for profit or public entity with an annual budget or assets of at least \$45 million; or
 - Is a municipality with a population of over 50,000;
4. Specifically designated commercial special risks including:
 - Highly protected risks;
 - Commercial insurance aviation risks;
 - Credit property insurance risks;
 - Boiler and machinery risks;
 - Inland marine risks;
 - Fidelity and surety risks.

A **Risk Manager** means: a full-time employee of, or a person certified and licensed and retained by, an ECP who is qualified through (1) education and experience or (2) training and experience, to assess an ECP's insurance needs and analyze and negotiate a policy of insurance and who has as a primary responsibility the oversight of the risk management activities of an ECP. A risk manager shall not receive a commission, fee or other consideration from the insurer in connection with the purchase of a commercial policy of insurance by the ECP.

Filing and Record Keeping Requirements

- An insurer providing such Commercial Special Risk coverage shall disclose to the insured that forms used and rates charged are exempt from filing and approval requirements. Records of all such disclosures shall be maintained by the insurer.
- Commercial Special Risks are exempt from surplus lines due diligence.

II. (A) Rates and Individual Risk Rates

(A) rates and individual risk rates are allowed. [§ 27-65-1]

Filing and Record Keeping Requirements

- (A) rates need not be filed. [§ 27-65-1]
- Individual risk rates only need to be filed if they deviate >25% from the filed rates. In that situation, the rate must be filed within 10 days after the effective date. ISO Manual.
- Insurer must maintain complete underwriting files and make available for review by Department upon request.

III. Consent to Rates

Consent to rates is allowed for property and casualty [§ 27-9-8.2], including workers' compensation [§§ 27-7.1-6.2, 27-6-14, 27-9-13, R27-20-003]

Filing and Record Keeping Requirements

- Written applications (*see attached Rhode Island Consent to Rate Form*) must be issued in triplicate and one original filed with the Commissioner for approval. All copies must bear the original signature of the applicant.
- For a risk to be insured for 30 days or more for \$1000 or more premium, the Consent to Rate application must be filed no less than thirty (30) days prior to the effective date of the policy.
- For a risk to be insured for 30 days or more for \$1000 or more premium, the application must include the actual experience of the risk subject to the most recent two year period as minimum period and five years as a maximum period preceding the desired effective date of the policy. The actual experience shall include the number of claims paid and the amount of damages paid for each claim, and may also include the number of claims incurred and/or awaiting settlement for which reserves have been established and the amount of such reserves.
- The application must include a statement of declination by at least one insurer, who has declined the risk at regular rates, other than the insurer willing to assume the risk.
- For a corporate risk to be insured for 30 days or more for \$1000 or more premium, the application must include a letter from the insured's Board of Directors authorizing the filing.

IV. Manuscript Endorsements

Manuscript forms must be filed. [§ 27-30-7]

**Rhode Island
Consent to Rate Form**

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Actual Experience (include #claims paid, damages paid, #claims incurred and/or awaiting settlement and reserves)

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

Insured's Signature

Authorized Representative's Signature

Date

Date

SOUTH CAROLINA

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety contracts and fidelity bonds are exempt from form filing. [§ 38-61-20]
- Inland marine is exempt from rate filing. [§ 38-73-340]
- There is a form of commercial deregulation (**for rates only**) in South Carolina for Exempt Commercial Policies. Ins. Code [§ R 69-64 s B, 69-64 s C]

Exempt Commercial Policies are all policies for commercial lines, as opposed to personal lines, insurance issued to commercial insureds, including all lines of commercial fire and allied insurance, inland marine insurance, commercial multi-peril insurance, casualty insurance including workers' compensation insurance, fidelity insurance and commercial automobile insurance. Insurance related to credit transactions written through financial institutions is not included within the definition of "exempt commercial policies." Professional liability insurance for physician and health care providers is not included within the definition of "exempt commercial policies." (R 69-64 s B)

In addition, to the above exemption, there is a rate exemption for Commercial Umbrella, Excess Workers' Compensation and Excess Liability Policies.

Filing and Record Keeping Requirements

- Rates for Exempt Commercial Policies and for Commercial Umbrella, Excess Workers' Compensation and Excess Liability do not have to be filed.
- All policy forms and endorsements must still be filed. [R 69-64 s D (Use & file)]
- The insurer must maintain records of rate development in the underwriting files. Rates may not be excessive, inadequate, or unfairly discriminatory

Commercial Deregulation – Additional Exemptions

Exempt commercial policies are exempt from notice of hearing. [§38-73-910]

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [ISO Manual]
- Insurer must maintain complete underwriting files and make available for review by Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, including workers' compensation. [SC Ins. Code §§ 38-73-490, 38-73-1060; Bull. 96-5]
- This does not apply to reinsurance, ocean marine, life, accident and health and aircraft hull and aviation. [SC Ins. Code 38-73-20]

Filing and Record Keeping Requirements

- Written application (*see attached Consent to Rate Form*) of the insured, stating reasons for accepting the rate, must be filed for prior approval with the Director.
- Policies may be bound before the approval is returned from the Director.
- **Consent-to-Form** - The insurer may also use a policy form different from that provided by a filing otherwise applicable on any specific risk, upon the written application of an insured which has aggregate insurance premiums, other than life, accident, and health, in excess of one hundred thousand dollars, stating the reasons therefor. The application must be filed with the department for approval (30 day deemer). However, this consent-to-form does not apply to private passenger automobile insurance subject to the

mandate-to-write, workers' compensation insurance, or employer's liability insurance and policy forms underwritten by joint underwriting transactions or joint insurance transactions.

IV. Manuscript Endorsements

Insurance contracts, riders, or endorsements prepared to meet special, unusual, peculiar or extraordinary conditions applying to an individual risk are exempt from filing. [SC Ins. Code § 38-61-20]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

_____.

Insured's Signature

Authorized Representative's Signature

Date

Date

[SOUTH DAKOTA](#)

[\(back to reference chart\)](#)

I. **Commercial Deregulation / Exemption**

- Surety bonds and specially rated inland marine risks are exempt from form filing. [S.D. Ins. Code § 58-11-13]
- South Dakota has a commercial deregulation law for rates and forms issued to Exempt Commercial Policyholders. These provisions apply to all commercial lines except workers' compensation and title insurance. [SD Ins. Code §§ 58-24-68 – 58-24-74]

Exempt Commercial Policyholder is any person who applies for any kind of property or casualty insurance through the services of a risk manager, and who meets at least two (2) of the following criteria:

- Has purchased insurance having an aggregate premium level of at least \$100,000 during the most recently completed calendar year;
- Has a net worth of at least \$10,000,000 as reported in the policyholder's most recently issued financial statement, reviewed or audited by an independent certified public accountant;
- Has annual net revenues or net sales of at least \$10,000,000 as reported in the policyholder's most recently issued financial statement, reviewed or audited by an independent certified public accountant;
- Employs at least one-hundred (100) full-time employees, either individually or, if the policyholder is a member of an affiliated group, collectively with all members of the affiliated group;
- Has, if the policyholder is a nonprofit organization, an annual operating budget of at least \$2,500,000 for the most recently completed calendar or fiscal year, whichever applies;
- Has, if the policyholder is a public entity, an operating budget of at least \$10,000,000 for the most recently completed calendar or fiscal year, whichever applies; or
- Has, if the policyholder is a municipality, a population of at least twenty-thousand (20,000).

The term "risk manager" is defined as an employee or third-party consultant who possesses at least one (1) of the following credentials:

- A bachelor's or higher degree in risk management issued by an accredited college or university;
- A designation as a chartered property and casualty underwriter issued by the American Institute for Chartered Property and Casualty Underwriters and Insurance Institute of America;
- A designation as an associate in risk management issued by the American Institute for Chartered Property and Casualty Underwriters and Insurance Institute of America;
- A designation as a certified risk manager issued by the National Alliance for Insurance Education and Research;
- A designation as a fellow in risk management or RIMS fellow issued by the Global Risk Management Institute; or
- Has seven (7) years of experience in at least one or more of the following areas of commercial insurance: risk financing; claims administration; loss prevention or; risk and insurance coverage analysis.

Filing and Record Keeping Requirements

- All rating plan schedules and manuals must be filed with the Department. Rates are effective on the date filed. [S.D. Ins. Code § 58-24-10] **Note:** The Department's position is that no rate filings are necessary for an ECP. (V. Rivenes, Commercial P/C, DOI, 12-7-04).
- All forms for an ECP must also be filed with the Department. [S.D. Ins Code §§ 58-24-12, 58-24-13] **Note:** The Department's position is that no form filings are necessary for an ECP. (V. Rivenes, Commercial P/C, DOI, 12-7-04).
- When soliciting an ECP, the producer or the insurer, in the case of direct procurement, must disclose to the policyholder and the policyholder's risk manager, that the rate and forms used may not be subject to the filing requirements of the Division of Insurance. (*Please see the attached ECP certification form.*) If a third-party consultant is used by the ECP, the consultant must provide written disclosure of any commission,

fee or contingency arrangement which the consultant has with the insurer. The disclosure notice must be developed by the insurer. *(Please see the attached third party consultant disclosure form.)*

- Copies of disclosure notices and records must be maintained for at least five (5) years. This includes: statistics, rates, rating plans, rating systems and underwriting rules; claims-made policy forms; annual experience data on each risk insured, including written premiums, written premiums at a manual rate, paid losses, outstanding losses, loss adjustment expenses, underwriting expenses, underwriting profits, and profits from contingencies; and complaint information required under South Dakota law.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk rates. However, (A) rates and individual risk rates are allowed (contact State Filings Division for AIG (A) rate filings or see ISO Manual). [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates must be filed for approval at least 30 days before the effective date unless insurer chooses to file a schedule of rates.
- If a schedule is filed, (A) rates need only be filed if they deviate from the schedule or do not fall within a class in the schedule. In such situations, the rate must be filed at least 30 days before the effective date.
- Individual risk rates must be filed for approval at least 30 days before the effective date.
- Insurer must maintain complete underwriting files and make available for review by Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty including workers' compensation [SD Ins. Code §§ 58-24-2, 58-24-26]
- This does not apply to reinsurance, life, health, ocean marine and title. [SD Ins. Code § 58-24-3]

Filing and Record Keeping Requirement

- Written application (*see attached Consent to Rate Form*), signed by the insured, stating the reasons for accepting the rate, must be filed with and approved by the Director at least 30 days prior to the effective date of the policy.
- The director may waive the requirement of prior filing if a special need is demonstrated.

IV. Manuscript Endorsements

Policies, riders, endorsements, or forms of a unique character designed for use upon a particular subject are exempt from filing. [SD Ins. Code § 58-11-13]

**SOUTH DAKOTA CERTIFICATION
OF EXEMPT COMMERCIAL POLICYHOLDER STATUS**

Pursuant to South Dakota Insurance Code §§ 58-24-68 to 58-24-74, the Insured, _____, and the Insured's Risk Manager, _____, certify to _____ (the "Insurer") that the Insured elects to be, and qualifies as, an Exempt Commercial Policyholder under South Dakota law. I, the Insured and the Risk Manager representing me, understand that the premium rate used and the policy forms of the policy applied for may not be subject to the filing and prior approval requirements of the Division of Insurance, and that both the policy forms and policy rates may contain significant differences from the rates and forms used for a commercial policy that is subject to all provisions of the insurance law.

The Insured and the Insured's Risk Manager certify that the Insured qualifies as an Exempt Commercial Policyholder, because the Insured meets a least two (2) of the following criteria: (Check all that apply.)

- _____ Has an aggregate annual property and casualty insurance premium (excluding workers' compensation and title insurance premium) of at least \$100,000 during the most recently completed calendar year;
- _____ Has a net worth of at least \$10,000,000 as reported in the policyholder's most recent audited financial statement;
- _____ Has annual net revenue or sales of at least \$10,000,000 as reported in the policyholder's most recent audited financial statement;
- _____ Employs at least one-hundred (100) full-time employees, either individually, or collectively, if a member of an affiliated group;
- _____ If a nonprofit organization, has an annual operating budget of at least \$2,500,000 for the most recently completed calendar or fiscal year;
- _____ If a public entity, has an operating budget of at least \$10,000,000 for the most recently completed calendar or fiscal year; or
- _____ If a municipality, has a population of at least twenty-thousand (20,000); and
- _____ Retains a risk manager, who is either a full-time employee or third-party consultant who possesses at least one of the credentials or levels of experience enumerated in South Dakota Insurance Code § 58-24-69.

Policyholder and Risk Manager Signatures:

Signed: _____ Title: _____

Printed: _____ Date: _____

Signed: _____ Title: _____

Printed: _____ Date: _____

**SOUTH DAKOTA
THIRD PARTY CONSULTANT DISCLOSURE FORM**

Pursuant to South Dakota Insurance Code § 58-24-71, if a third party Consultant is retained by an Exempt Commercial Policyholder to act as the policyholder's risk manager when a quote for insurance is made, the Consultant must disclose, in writing, the existence of any commission, fee, or contingency arrangement the Consultant may have with the Insurer.

Accordingly, _____, acting as a third party Consultant and risk manager for the Exempt Commercial Policyholder, _____, certify as follows concerning my relationship with the Insurer, _____:

- I have not received any commissions or fees from the Insurer in connection with the placement of this policy and do not have a contingency relationship with the Insurer in connection with the placement of this policy.

Signed: _____ Title: _____

Printed: _____ Date: _____

- I have received remuneration from the Insurer in connection with the placement of this policy and wish to make the following disclosures:

Signed: _____ Title: _____

Printed: _____ Date: _____

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
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Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

Insured's Signature

Authorized Representative's Signature

Date

Date_

TENNESSEE
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Inland marine risks by general custom are not filed (**rates and forms**). [Tenn. Ins. Code § 56-5-306]
- There are no other forms of commercial deregulation in Tennessee.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates and individual risk rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [ISO Manual]
- Insurer must maintain complete underwriting files and make available for review by Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, including workers' compensation. [Tenn. Ins. Code §§ 56-5-307, 56-5-301]
- This does not apply to life; annuities; disability; ocean marine; reinsurance; aircraft liability and aircraft hull; insurance written by county mutual fire insurance companies; title; credit life and credit accident and health insurance. [Tenn. Ins. Code § 56-5-201]

Filing and Record Keeping Requirements

- Written application need not be filed. However, an application (*see attached Consent to Rate Form*) of the insured, stating specific reasons why a risk requires a higher rate, should be obtained and must be kept on file by the insurer.
- An endorsement must be attached to the policy, giving reasons for rate and the percentage of surcharge.
- Copies must be made available to the Commissioner upon request for review to determine that the rates are not excessive, inadequate, or unfairly discriminatory.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, per the DOI, manuscript forms are not filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
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Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

_____.

Insured's Signature

Authorized Representative's Signature

Date

Date

TEXAS
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Texas has commercial deregulation (**for forms only**) for Large Risks (except auto, fidelity, surety and guaranty bonds). [§§ 5.13-2; 5.15]
- Texas has commercial exemption (**for rates and forms**) for certain professional liability lines as listed below (*see Exempt Lines*).

A "**Large Risk**" is a policy issued to one of the following:

- 1) An insured that has total insured property values of \$5 million or more;
- 2) An insured that has total annual gross revenues of \$10 million or more; or
- 3) An insured that has a total premium of \$25,000 or more for property insurance, \$25,000 or more for general liability insurance, or \$50,000 or more for multi-peril insurance.

Exempt Lines – the following sub-lines of professional liability and inland marine are exempt from rate and form filings (per ISO Manual, the Department does not require filings of these sub-lines even though they are required to be filed in the Insurance Code):

- | | |
|--|--|
| - Accountants Professional Liability | - Jewelers Block (except retailers with < \$250,000) |
| - Architects Professional Liability | - Medical Laboratory Professional Liability |
| - Beauticians/Barbers Professional Liability | - Psychologists Professional Liability |
| - Engineers Professional Liability | - Real Estate Dealers Professional Liability |
| - For Profit Nursing Homes Professional Liability | - Surveyors Professional Liability |
| - Lawyers Professional Liability | - X-ray Laboratory Professional Liability |
| - Bailee Customers Practice | - Live Animal Floaters (EXCEPT cattle kept for feeding, dairy, breeding or show, sheep, swine, horses and mules used for other than racing or show, this includes breeding for racing or show) |
| - Bridges, Tunnels and other Instrumentalities of Transportation and Communication | - Mobile Equipment and Misc. Movable Property |
| - Cold Storage Locker Plant Policies | - Nuclear Insurance |
| - Domestic Bulk Liquid Policies | - Pattern and Die Floaters |
| - Domestic Shipment | - Radium Floaters |
| - Exhibition Policies | - Rolling Stock |
| - Exports | - Salesmen's Samples Floaters |
| - Fine Arts Policies – Dealers | - Self Service Storage Customer Floaters |
| - Furriers' Block | - Stamp and Coin Floaters - Commercial |
| - Garment Contractors Floaters | - Travel Baggage |
| - Home Freezer and Contents | - Wedding Present Floaters |
| - Imports | - Wool Growers and Wool Buyer Floater Policies |
| - Installation Risks or Builders' Risks | |
| - Installment Sales, Lease Property and Deferred Payment Policies | |

Filing and Record Keeping Requirements

- Forms on policies involving Large Risks are exempt from filing. Rates are not exempt for Large Risks.
- Rates and forms for the sub-lines of professional liability and inland marine above are exempt from filing.

II. (A) Rates and Individual Risk Rates

- Individual (A) rates and individual risk rates are not allowed for general liability, boiler and machinery, commercial liability and professional liability will not be accepted.
- Insurers must file the criteria used to determine (A) rate premiums. This filing may include ranges of rates where rates are used on a judgmental basis for individual risks (contact State Filings Division for this type of filing). [Bull. 6/1/95; §§ 5.13-2; 5.15]

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers' compensation (per DOI). [Art. 5.03 (d) MV, Art. 5.15 (c) C, Art. 5.26 (a) Fire & Allied Lines]

- This does not apply to life; accident, health, reinsurance; workers' compensation; title and marine.

Filing and Record Keeping Requirement

- For motor vehicle and casualty insurance, a written application (*see attached Consent to Rate Form*) signed by the insured must be filed with the Board of Insurance, naming the insurer and stating the coverage, rate proposed and reason for the rate. The Board must approve the application by order or by stamping.
- For Fire and Allied Lines (Property), the maximum rate of premiums is fixed by the Board. To exceed that rate, a written application (*see attached Consent to Rate Form*) of the insured, stating reasons for accepting the rate, must be filed with and approved by the Board.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, per the DOI, manuscript forms must be filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
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Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

_____.

Insured's Signature

Authorized Representative's Signature

Date

Date

UTAH

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- There is a form of commercial exemption (**for rates only**) for Commercial Excess and Umbrella Liability. [UT Ins. Code § 31A-19A-203 and Rule 590-127.8]
- Commercial aviation is also exempt from **rate and form** filing. [Rule R590-144-2]
- There is commercial exemption (**for forms**) following lines:
 - Retainer contracts made by attorneys;
 - Limited legal assistance;
 - Insurer activities where state jurisdiction preempts ERISA;
 - Ocean marine insurance;
 - Death and disability insurance provided by charitable organizations without incurring legal obligations;
 - Self insurance;
 - Reinsurance;
 - Manufacturers warranties in ordinary course of sale; and
 - Manufacturers warranties or service contracts paid for with additional consideration issued in ordinary course of sale, which are for the repair or maintenance of goods (but not for motor vehicles) which cost less than \$ 3,000.
- There are no other forms of commercial deregulation in Utah.

Filing and Record Keeping Requirements

- Rates for Commercial Excess and Umbrella Liability do not need to be filed.
- However, underwriting files must contain full and supporting documentation justifying the rates and showing the development of the rate. This development should contain an analysis of specific definable loss potential characteristics with regard to its excess exposure and any other underwriting criteria.
- At renewal, the underwriting file must contain documentation of the reevaluation of the rate assigned and justification for the continuation of the rate or development of the new rate.

II. (A) Rates and Individual Risk Rates

- (A) rates and individual risk rates are allowed.
- Specifically, (A) rate exemptions apply to liability insurance, professional liability insurance, property insurance, vehicle liability and physical damage insurance and workers' compensation insurance, as defined in Section 31A-1-103. [Rule R590-127 et seq.; UT Ins. Code § 31A-19a-203]

Filing and Record Keeping Requirements

- All (A) rates and individual risk rates shall be exempt from the filing requirements of Section 31A-19a-203.
- However, if the rate deviates > 25% from the expiring policy premium (for reasons other than changes in the premium basis), the company must file the individual rate within 30 days after the effective date.
- Whenever an (A) rate is used the underwriting file shall contain full and supporting factual documentation verifying that it is an (A) rate as defined and showing the development of the (A) rate assigned by the underwriter.
- An underwriter is permitted to use (A) rating only in the following circumstances:
 1. When it can be clearly demonstrated that a risk described by specific classifications in the Commercial Lines Manual presents unique or unusual conditions of exposure or hazard such that the application of the normal manual rate for that classification does not produce a reasonable and equitable rate for the risk;
 2. When the coverage to be written is broader or more restricted than that provided for by the manual definition of coverage as limited by applicable manual exclusions;
 3. When the insurer has developed a program for types of risks or coverages that are not included in the Commercial Lines Manual and for which there is limited statistical data for ratemaking purposes; or

4. When a risk develops more than \$100,000 in annual manual basic limits unmodified premium for automobile liability, general liability, glass and theft insurance, individually, or \$250,000 in any combination. Boiler and Machinery risks may be (A) rated provided the one-year deposit premium charged for the coverages afforded is \$50,000 or more.

See laws for more underwriting guidance.

III. Consent to Rates

- Consent to rates is allowed for property and casualty, excluding workers' compensation and employers liability written in connection thereto and warranty. [UT Ins. Code §§ 31A-19a-203; 31A-19a-401, Bull. 99-3 (bulletin does not apply to workers' compensation rates), Bull. 99-4]
- This does not apply to life insurance other than credit life insurance; variable and fixed annuities; health and accident and health insurance other than credit accident and health insurance; and reinsurance. [UT Ins. Code 31A-19a-101]

Filing and Record Keeping Requirements

- A Consent to Rate application (*see attached Consent to Rate Form*) must be filed with the Department within 30 days after the effective date. If the filing is not disapproved within 10 days, the excess rate will apply. If it is disapproved, the company can cancel the policy pro-rata with 10 days notice. If Company does not cancel the policy any excess premium (not approved) must be refunded. [UT Ins. Code § 31A-19a-203(6)]
- Written applications must be filed with cover letter, filing fees filing transmittal forms and full explanation of filing. [Bull. 99-3 (Part 4D)]
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Manuscript forms have to be filed. [Bulletin 99-3]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

Coverages applied for _____ Limits _____ Amounts of Insurance _____ Deductibles _____
(primary/excess)

Exposure Identification _____ Class _____ Territory _____ Location of Risks _____

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

VERMONT
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds and specially rated inland marine risks are exempt from form filing. [T. 8 § 3541]
- There are no other forms of commercial deregulation in Vermont.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates. However, (A) rates and individual risk rates are allowed. [ISO Manual]

Filing and Record Keeping Requirements

- (A) rate and individual risk rates need not be filed. [ISO Manual]
- Insurer must maintain complete underwriting files and make available for review by Department upon request.

III. Consent to Rates

- Consent to rates is allowed for property & casualty, including workers' compensation and employers' liability (per L. Hall at VTDOI). [T. 8 § 4687 and 4688 (f), T. 8 § 4688a, Reg. I-85-1 § 5]
- Consent to rate may be used only on an individual risk basis and may include a higher rate than filed or provide more restrictive coverage than under a standard policy.
- Consent to rate does not apply to life insurance; annuities; accident and health; ocean marine insurance; reinsurance; and aircraft liability and aircraft hull. [T. 8 § 4687]

Filing and Record Keeping Requirements

- A written application (*see attached Consent to Rate Form*) of the insured, stating the reasons for accepting the rate, must be filed with and approved by the Commissioner within 60 days after the effective date of the policy.
- If consent to rate is used for any risk, which is eligible for coverage under a residual market mechanism (i.e. Vermont Automobile Insurance Plan), the Consent to Rate form must contain a prominent statement advising the insured that he is eligible for coverage under that Plan and provide the premium rate chargeable under such a Plan.
- Bulletin 111 addresses consent to rate filings from licensed companies seeking to attach a pollution exclusion to liability policies if the risk has a high probability of pollution claims. Consent to rate filings to exclude pollution coverage will not be approved unless there is a recognized, specific pollution exposure that is not acceptable. *See Bulletin 111* for simplified Consent to Rate application for this type of exclusion.

IV. Manuscript Endorsements

Policies, riders, endorsements and forms of unique character designed for use upon a particular subject are exempt from filing. [T. 8 s 3541]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
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Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

VIRGINIA
[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- There is commercial exemption (**for rates only**) for workers' compensation retrospective rating plans and large deductible plans for policies involving a Workers' Compensation Large Risk.
- There is also commercial exemption (**for rates only**) for certain exempt lines. [VA Ins. Code §§ 38.2-317, 38.2-1903.1. Admin. Order Nos. 6844, 6855, 7236, 8301, 8873, 9721, 10208, 10210, 11223, 11248, 11249, 11260, 11293, 11348, 11616, 11644 and Admin. Letter 1997-8]
- There is also a form of commercial deregulation in Virginia (**for rates and forms**) for all commercial property and casualty policies, except for workers' compensation, professional liability and automobile, involving Large Commercial Risks. [VA Ins. Code § 38.2-1903.1]

- **Workers' Compensation Large Risks** are those "risks which generate total estimated standard premium for workers' compensation insurance of at least \$250,000 annually (or less or in combination with other lines if approved by the Commission).

- **Exempt Lines** include the following:
 - a. Architects and engineering professional liability;
 - b. Automobile liability with physical damage and general liability risks, which have annual manual basic premium limits of \$150,000 or more;
 - c. Boiler and machinery with annual deposit premium of \$50,000 or more;
 - d. Business credit insurance
 - e. Certain commercial inland marine classes (not subject to file and use by 38.2-1906.A.1);
 - f. Commercial liability classes set forth in Order No. 11223;
 - g. Commercial public event cancellation;
 - h. Dam liability;
 - i. Directors and officers liability;
 - j. Excess commercial fire;
 - k. Environmental liability insurance (including underground tanks);
 - l. Excess automobile liability and excess general liability;
 - m. Fiduciary liability;
 - n. Fire insurance written on an excess of loss basis;
 - o. Highly protected risks;
 - p. Landfill liability;
 - q. Liability for medical and pharmaceutical clinical trial testing;
 - r. Nuclear energy property (physical damage) and liability;
 - s. Private pleasure watercraft 26 feet or more;
 - t. Public housing liability;
 - u. Weather insurance;
 - v. Y2K.

- There are form filing exemptions for the following policy forms:
 - a. Statutory fire insurance policies
 - b. Standard automobile policy forms and endorsements
 - c. Workers' compensation
 - d. Employers' liability insurance
 - e. Surety insurance
 - f. Insurance of large commercial risks [§ 38.2 –317]

- A **Large Commercial Risk** is a person or entity that:
 1. Employs, on a full-time basis, a qualified risk manager to negotiate insurance coverage; and
 2. Meets at least 2 of the following criteria:
 - a. Has a net worth in excess of \$2,000,000;

- b. Generates annual revenues in excess of \$2,000,000;
 - c. Employs more than 10 full-time or full-time equivalent employees per individual insured;
 - d. Generates annual aggregate nationwide insurance premiums, including professional liability and workers' compensation insurance premiums, in excess of \$25,000;
 - e. Is a nonprofit organization or public body that generates annual budget expenditures of at least \$5,000,000; or
 - f. Is a municipality with a population in excess of 30,000 persons.
- A **Risk Manager** is: (i) an employee of the large commercial risk or (ii) a third party consultant retained by the large commercial risk, who provides skilled services in loss prevention, loss reduction, or risk and insurance coverage analysis, and the purchase of insurance, and who possesses at least one of the following credentials:
 - a. A bachelor's or higher degree in risk management issued by an accredited college or university;
 - b. A designation as a Chartered Property and Casualty Underwriter (CPCU);
 - c. A designation as an Associate in Risk Management (ARM);
 - d. A designation as a Certified Risk Manager (CRM);
 - e. A designation as a Fellow in Risk Management (FRM); or
 - f. Has at least five years of experience in one or more of the following areas of commercial property and casualty insurance: (i) risk financing, (ii) claims administration, (iii) loss prevention, or (iv) risk and insurance coverage analysis.

Filing and Record Keeping Requirements for Workers' Compensation Large Risks

- For Large Risks, retrospective rating plans and large deductible plans used for workers' compensation insurance are exempt from rate filing requirements.
- Agreement for retrospective and large deductible rating plans must be in writing between insurer and Insured.
- Copies of such rating plans must be available to the Commission upon request.
- Insurers must continue to file experience data for such plans.

Filing and Record Keeping Requirements for Exempt Lines

The rates for Exempt Lines or business as listed above are exempt from filing.

Filing and Record Keeping Requirements for Large Commercial Risks

- Rates and forms for a policy involving a Large Commercial Risk are exempt from filing.
- An insurer providing a policy to a large commercial risk must obtain an annual written certification from the policyholder, signed by the risk manager and the CEO.
- The certification must indicate:
 - (1) That the policyholder has a risk manager and that individual's qualifications;
 - (2) The other 2 criteria it meets;
 - (3) The awareness that the policy and rate are not subject to state review;
 - (4) That it has the expertise to negotiate such a policy; and
 - (5) That it agrees to the use of such a form.
- The insurer shall retain the certification form.
- The insurer shall report to the Commission annually the number of exempted policyholders, along with an aggregation of the criteria establishing the exemption.

II. (A) Rates and Individual Risk Rates

- (A) rates may only be used for those risks filed by a rating organization (i.e. ISO) as an (A) rate or refer to company rate. (Contact State Filings Division for AIG (A) rate filings or see ISO Manual).
- Individual (A) rates, other than noted above, are prohibited. [Admin. Letter 1985-12]
- Individual risk rates are allowed. [§ 38.2-1906]

Filing and Record Keeping Requirements

All individual rates must be filed on or before the effective date with the Department.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, including workers' compensation. [VA Ins. Code §§ 38.2-1920 (P&C); 38.2-2013 (WC , Auto, UIM, Credit Property, Home Protection)]
- This does not apply to reinsurance, other than joint reinsurance, life, annuities, accident and sickness, title, marine or aircraft hull or liability. [§§ 38.2-1902; 38.2.2001]

Filing and Record Keeping Requirements

- A written application (*see attached Consent to Rate Form*) signed by the insured, stating reasons for the higher rate, must be filed for prior approval with the Commissioner.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, per the DOI, manuscript forms must be filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
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Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

_____.

Insured's Signature

Authorized Representative's Signature

Date

Date

WASHINGTON

[\(back to reference chart\)](#)

I. Commercial Deregulation / Exemption

- Surety bonds are exempt from form filing. [WA Ins. Code §48-18-100]
- There is a form of commercial deregulation in Washington (**for rates only**) for commercial property and casualty policies involving Large Commercial Property and Casualty Accounts. [WAC 284-24-120]
- This deregulation does not include professional liability, directors' and officers' liability purchased by individuals; motor vehicle service contract reimbursement, and master policies under which certificates of coverage are issued to individual consumers, households, businesses or other organizations.

Large Commercial Property and Casualty Accounts must meet 2 of the following 6 criteria to qualify for rate filing exemption:

- Pertains to a business, nonprofit organization or public entity with enough insurance buying experience to negotiate with insurers in an unregulated environment and meets any two the following criteria;
 - Has annual premium of \$100,000 or more, excluding WC compensation insurance issued by the Dep't of Labor and Industries, professional liability, including med-mal, D&O purchased by individuals, motor vehicle service contract reimbursement insurance, master policies under which certificates of coverage are issued.
- Has net revenues or sales in excess \$100,000,000
- Has more than 200 employees
- Has a net worth over \$50,000,000
- Is a not-for-profit organization or public entity with an annual budget or assets of at least \$45,000,000
- Is a municipality with a population over 50,000

Filing and Record Keeping Requirements

- Rates on policies involving large commercial property casualty accounts are exempt from filing.
- Before an insurer issues coverage pursuant to this section, the insurer or its agent shall notify the insured in writing that the rate has not been and will not be filed for the Commissioner's approval.
- The commissioner retains the right and ability to examine the rates used on such accounts to ascertain whether they comply with state regulations and statutes.
- Insurers shall maintain records supporting the rates and premium determination of each policy for 3 years.

II. (A) Rates and Individual Risk Rates

- (A) rated and individual risk rates are allowed. [WAC 284-24-070; WA Ins. Code 48.19-080]
- Instead of individually (A) rating, the insurer may file a schedule of rate ranges allowing for a +/-25% deviation. In that situation, an individual risk need only be filed if it falls outside of the range or the classes covered by the schedule.
- (A) rating applies to:
 - 1) A class in which risks are so different from each other that no rate or range of rates could be representative of all;
 - 2) A class that does not develop enough loss experience to warrant any credibility for ratemaking purposes; and
 - 3) Policies involving a new product or coverage for which there is no appropriate analogy to similar exposures for ratemaking purposes.
- The following are examples of appropriate refer-to-company risks:
 - Manufacturing and construction risks, such as:
 - Ammunition manufacturing,
 - Dam construction,
 - Irrigation works operation, and
 - Logging railroad -- operation and maintenance.

- Owners, landlord and tenants risks, such as:
- Amusement devices, designed for small children only, not otherwise classified
- Christmas tree lots -- open air,
- Bleachers or grandstands,
- Dude ranches,
- Firing ranges -- indoor,
- Parks or playgrounds, and
- Zoos.
- Product risks, such as:
- Aircraft or aircraft parts manufacturing,
- Ball or roller bearing manufacturing,
- Chemical manufacturing -- household -- NOC,
- Discontinued operations -- products,
- Electronic component manufacturing,
- Firearms manufacturing -- over .50 caliber
- Instrument manufacturing -- NOC,
- Levee construction,
- Machinery or machinery parts manufacturing,
- Pharmaceutical or surgical goods manufacturing,
- Products -- NOC,
- Sign manufacturing -- NOC,
- Tank manufacturing -- metal -- not pressurized,
- Textile coating or impregnating,
- Tool manufacturing -- hand type -- powered,
- Valves manufacturing,
- Wheels manufacturing,
- Wire goods manufacturing -- NOC, and
- Wood products manufacturing -- NOC.

Filing and Record Keeping Requirements

- (A) rates need not be filed.
- Individual risks need not be filed unless the rate deviates >25% from the filed rate. [ISO Manual]
- The company must maintain every rating rule for such classes of policies in an appropriate rate manual and file it with the commissioner. Such a rating rule should consist only of a notation of the symbol "(A)" or a statement that risks in the class shall be submitted to the insurer for rating.
- When writing such risks, you must maintain separate documentation, including loss experience, on each risk written and be prepared to provide such documentation to the insurance commissioner upon request.
- Statute 284-24-070 provides that the rating of a refer-to-company risk (and individual risk rates) is to be based on a **documented** underwriting analysis of: (a) Specific definable loss potential characteristics, (b) Analogy to similar exposures, and (c) Available loss frequency and severity data.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers' compensation. [WA Ins. Code 48.19.090. Bull. 71-3]
- Workers' compensation is all issued through the state agency (monopolistic); consent to rate is not available. (per T. Nordahl at DOI).
- This does not apply to life insurance; disability; reinsurance except as to joint reinsurance; insurance against aircraft hull or aviation; ocean marine; and title insurance. [WA Ins. Code 48.19.010]

Filing and Record Keeping Requirements

- **Property Insurance:** Excess rate applications for all forms of property insurance, both commercial and personal lines, shall be submitted on Enclosure (1) -- UNIFORM EXCESS RATE APPLICATION --

PROPERTY INSURANCE to the department and approved by the Commissioner. *(See Uniform Excess Rate Application Property Insurance – request Form from Department)*

- **Casualty Insurance:** Excess rate applications for all casualty insurance shall be submitted on Enclosure (2) -- UNIFORM EXCESS RATE APPLICATION -- CASUALTY INSURANCE directly to the department and approved by the Commissioner. *(See Uniform Excess Rate Application Casualty Insurance – request Form from Department.)*

IV. Manuscript Endorsements

Policies, riders and endorsements of unique character designed for use with relation to insurance upon a particular subject are exempt from filing. [WA Ins. Code § 48-18-100]

STATE OF WASHINGTON
CERTIFICATION OF LARGE COMMERCIAL ACCOUNT POLICYHOLDER STATUS

The undersigned, _____, the Insured, by signing below, certifies that it is a Large Commercial Property Casualty Account policyholder operating as a business, not-for-profit organization, or public entity and that it understands that the rates used in the policy have not been, and will not be, filed with the Insurance Commissioner.

The Insured certifies that it meets at least two (2) out of the following criteria:

- 1) Has annual premium of \$100,000 or more, excluding:
 - workers' compensation insurance;
 - professional liability insurance, including medical malpractice insurance;
 - directors' and officers' liability insurance purchased by individuals; and
 - motor vehicle service contract reimbursement insurance; and
 - master policies under which certificates of coverage are issued to individual consumers, households, businesses, or other organizations.
- 2) Has net revenues or sales in excess of \$100,000,000;
- 3) Has more than two hundred (200) employees;
- 4) Has a net worth over \$50,000,000;
- 5) Is a not-for-profit organization or public entity with an annual budget or assets of at least \$45,000,000; or
- 6) Is a municipality with a population over 50,000.

Signed: _____
(Insured or Insured's Authorized Representative)

Printed: _____

Title: _____

Date: _____

FORM 71-3c 4/71
 (APPROVED BY STATE
 OF WASHINGTON
 INSURANCE COMMISSIONER)

STATE OF WASHINGTON

UNIFORM EXCESS RATE APPLICATION
 CASUALTY INSURANCE

OFFICE OF INSURANCE COMMISSIONER
 Olympia Washington 98501

DEAR SIR:

Please approve for _____ the following rates, which I

(INS. COMPANY)

understand to be in excess of its filed rates.

INSURED'S
 NAME AND
 MAILING
 ADDRESS

POLICY TERM

INCEPTION (MO., DAY, YR.) EXPIRATION (MO., DAY, YR.) YEARS

TYPE OF COVERAGE AND LIMITS	FILED PREMIUMS	PROPOSED PREMIUMS	SURCHARGE %
AUTOMOBILE			
LIABILITY (Codes)			
OTHER CASUALTY (Specify)			

I understand the STANDARD PREMIUM for the desire coverage to be \$ _____

The Proposed Premium to which I have agreed is \$ _____ which has been calculated at _____%

In Excess of Standard Premium. I am agreeable to paying the foregoing Surcharge Premium because I have been unable to obtain insurance at standard rates.

NAME AND
 ADDRESS
 (Print or Type)

SIGNATURE

TITLE (IF NOT INDIVIDUAL)

DATE

THIS FORM

AGENT'S SIGNATURE

STATE OF WASHINGTON

FORM 71-3P 4/71
(APPROVED BY STATE
OF WASHINGTON
INSURANCE COMMISSIONER)

UNIFORM EXCESS RATE APPLICATION
PROPERTY INSURANCE

OFFICE OF INSURANCE COMMISSIONER
Olympia Washington 98501

DEAR SIR:

Please approve for _____ the
following rates, which I

(INS. COMPANY)

understand to be in excess of its filed rates.

(SEE * PERCENT IN EXCESS BELOW)

INSURED'S
NAME AND
MAILING
ADDRESS

We understand that the filed credits for the
deductible indicate to be _____ per cent.
We Agree to waive these credits.
_____ Yes _____ No

(SEE

BELOW)

POLICY TERM

INCEPTION (MO., DAY, YR.)

EXPIRATION (MO., DAY, YR.)

YEARS

Table with columns: Item No., DESCRIPTION AND LOCATION OF PROPERTY COVERED, Pro-tection Class, HAB. (No. of Families, Feet From Hydrant, Miles From Fire Dept.), INFO. (Zone, Vol., Line), /RATE, REF. Includes a row for 'FIRE AND LIGHTNING EXTENDED COVERAGE'.

I understand the STANDARD PREMIUM for the desire coverage to be

\$ _____

The Proposed Premium to which I have agreed is \$ _____ which has been calculated at _____%

In Excess of Standard Premium. I am agreeable to paying the foregoing Surcharge Premium because I have been unable to obtain insurance at standard rates.

Signature block with fields for NAME AND ADDRESS, SIGNATURE, TITLE (IF NOT INDIVIDUAL), and DATE. Includes a checked box 'X'.

I certify that I personally inspected the described premises and that the premium to be charged hereunder is in excess of that which would be derived from application of the Standard or Substandard Rating Plan filed by or on behalf of the company.

THIS FORM

AGENT'S SIGNATURE

West Virginia
[\(back to reference chart\)](#)

I. Commercial Deregulation/Exemption

- Surety bonds are exempt from form filing. § 33-6-8.
- Inland marine risks are exempt from rate filing. § 33-20-4.

II. (A) Rates and Individual Risk Rates

There are no statutory provisions for (A) rates. However, (A) rates and individual risk rates are allowed. ISO Manual.

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed. [ISO Manual]
- Insurer must maintain complete underwriting files and make available for review by Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers' compensation. WV Ins. Code 33-20-2 and -4.
- Workers' compensation is handled by the state agency (monopolistic); consent to rate is not available.
- This does not apply to reinsurance, other than joint reinsurance; life or accident and sickness; ocean marine; aircraft; title; and malpractice insurance insofar as the provisions of this article directly conflict and thereby are supplanted by article twenty-b of this chapter.

Filing and Record Keeping Requirements

- A written Application (*see attached WEST VIRGINIA APPLICATION FOR CONSENT-TO-RATE*) signed by the insured must be filed with the Commissioner at least 10 days prior to the effective date of the coverage.
- The application shall be maintained in the files.

IV. Manuscript Endorsements

Policies, riders, endorsements and forms of unique character designed for use upon a particular subject are exempt from filing. [§ 33-6-8]

West Virginia Instructions for Consent to Rate form:

1. All Consent-to-Rate Applications must be on an exact copy of the attached form. The company name and/or logo may be imprinted at the top of the form. Applications submitted in any other form will be rejected.
2. The original application form must be signed in ink by both the producing agent and the insured. (copies and rubber stamps are not acceptable.)
3. The insured's complete address, telephone number and the exact property location must be indicated.
4. Both the existing approved and the requested rates must be indicated. If the Consent-to-Rate is disapproved for any reason, the approved rate becomes applicable.
5. The specific reason(s) for Consent-to-Rate must be given, in detail.
6. The completed original and one copy of the Consent-to-Rate Application must be submitted to the Rates and Forms Division of the West Virginia Insurance Department 10 days prior to the effective date of the coverage.

A postage prepaid envelope and a \$10.00 filing fee shall accompany each application in accordance with West Virginia Code Section 33-6-34.

Resubmission of a disapproved filing will require an additional fee.

The filing fee shall be paid by the insurer and may not be passed on to the insured. Please direct any inquiries to Yetta Kessinger, Technical Assistant, Rates and Forms Division. Telephone 304/348-2094. Fred E. Wright Insurance Commissioner

WEST VIRGINIA APPLICATION FOR CONSENT-TO-RATE

(Please Type)

TO: West Virginia Insurance Department
Property-Casualty Division
2100 Washington Street
East Charleston, West Virginia 25305

DATE: _____

In accordance with Section 33-20-4(i) of the West Virginia Code and for the reasons provided below, approval is requested of the following proposed rates, which are in excess of that provided by filings otherwise applicable to the named insurer.

(1) INSURED NAME: _____ ADDRESS: _____
TELEPHONE: _____ EXACT LOCATION OF _____

INSURED PROPERTY: _____

(2) TYPE OF COVERAGE: _____ CLASS OF RISK: _____

(3) POLICY EFFECTIVE DATE: _____ (4) POLICY NUMBER (IF RENEWAL): _____

(5) INSURER: _____ ADDRESS: _____

_____ (6) AGENTS SIGNATURE: _____
_____ AGENCY NAME AND ADDRESS: _____

(8) COVERAGE LIMITS MANUAL PROPOSED PERCENT WVARP*
(list separately) (by coverage) Rate/ Premium Rate/ Premium Surcharge Rate

TOTAL

*Applicable to automobile and fire risks only.

(9) STATE SPECIFIC REASONS WHY THIS CONSENT-TO-RATE IS NECESSARY:

The above was completed prior to my signing.
I noted that the rate being
charged is in excess of the rate
filed and approved for this insurer.

(INSURED SIGNATURE)

TYPED NAME & TITLE

NOTICE! Consent-to-rate filings will be disapproved if not properly completed and submitted to the Rates and Forms Division of the West Virginia Insurance Department 10 days prior to the effective date of the coverage.

I. Commercial Deregulation/ Exemption

There is no commercial deregulation in Wisconsin.

II. (A) Rates and Individual Risk Rates

- (A) rates and individual risk rates are allowed (contact State Filings for AIG (A) rate filings). [WAC 6.785; ISO Manual]
- Such risks include those that cannot be objectively rated for at least one of the following reasons:
 - 1) The class generates insufficient loss experience to be reliably used in rating;
 - 2) The class loss experience is so volatile as to make it unreliable;
 - 3) Prospective losses for this class are likely to change rapidly and unpredictably;
 - 4) Risks within the class are so dissimilar that a single rate would not be representative of all risks in the class.

Filing and Record Keeping Requirements

- (A) rates need not be filed as long as insurer has filed rating rules with the Department.
- Individual risk rates need not be filed as long as they are for one of the following risks:
 - 1) Rates for excess liability insurance provided in an amount not less than \$1,000,000 in excess of a specified retained limit provided such retained limit is not less than:
 - \$350,000 per occurrence as respects those exposures covered by underlying insurance; or
 - \$10,000 per occurrence as respects those exposures not covered by underlying insurance.
 - 2) Rates for risks developing annual products liability and completed operations insurance premiums of \$5,000 or more at the basic limit.
 - 4) Rates for risks developing annual increased limits written premium determined by customary rating procedures of \$5,000 or more.
 - 5) Rates for risks developing \$100,000 or more annual basic limit premium individually or in any combination of general liability insurance, commercial automobile, crime or glass.
 - 6) Rates for liability insurance increased limits if the risk is reinsured on a facultative basis.
 - 7) Rates for an adjustment of the aggregate limit of general liability insurance at any time during the policy period.
 - 8) Rates for coverage which is materially broader or more restrictive than the coverage upon which the manual rate is based.
- If an individual risk rate does not cover one of the above, the rate must be filed within 30 days after the effective date. [ISO Manual, WAC 6.785(4)(b)-(h)]
- For (A) rate and individual risk rate, the insurer must maintain separate records and documentation for a period of 3 years after the rate is no longer used. This documentation must include all details of the factors and conditions used in determining the rate or classification.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers' compensation. [WI Ins. Code §§ 625.03; 625.13; WAC 6.78]
- This does not apply to ocean marine; workers' compensation; life insurance other than credit life insurance; variable and fixed annuities; and group and blanket accident and sickness insurance other than credit accident and sickness insurance. [WI Ins. Code § 625.03]

Filing and Record Keeping Requirements

- A written application (*see attached Consent to Rate Form*) signed by the insured consenting to the rate must be obtained.
- Insurers are exempt from consent-to-rate filings if:
 - (a) The insurer keeps the following for at least 1 year after the expiration date of the policy;
 1. Record of the rate of development; and
 2. The written application signed by the insured stating the insured's reasons for requesting the rate.
 - (b) Prior to entering into such insurance agreements, the insurer has notified the Commissioner of its intention so to do, identifying the contemplated lines and classes of insurance.
- If the above is not satisfied, the written application of the insured must be filed with and not disapproved by the Commissioner within 10 days after filing.

IV. Manuscript Endorsements

There is no statutory provision addressing manuscript forms. However, per the DOI, manuscript forms are not filed.

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
	(primary/excess)		

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because

Insured's Signature

Authorized Representative's Signature

Date

Date

Wyoming
[\(back to reference chart\)](#)

I. Commercial Deregulation Exemption

- There is commercial exemption (**for rates only**) for commercial property and casualty lines, except for marine, aircraft and workers' compensation. [Ins. Code § 26-14-102 to -113]
- Surety bonds and specially rated inland marine risks are exempt from form filing. [Ins. Code § 26-15-110]
- There is commercial exemption (**for forms only**) for policies involving Exempt Lines. [Ins. Code § 26-15-110; Orders 85-74]

Exempt Lines are as follows:

- School board errors and omissions insurance;
- Real estate agents errors and omissions insurance;
- Real estate appraisers errors and omissions insurance;
- Insurance agents errors and omissions insurance;
- Directors and officers errors and omissions insurance;
- State judges professional liability insurance;
- Psychologists professional liability insurance;
- Psychiatric liability insurance;
- Mental health counselor's professional liability insurance;
- Social service agency professional liability insurance;
- Pollution liability insurance; and
- Public officials liability insurance.

Filing and Record Keeping Requirements

- Rates do not have to be filed for most property and casualty lines. However, rates must still not be excessive, inadequate or discriminatory and follow other rate guidelines.
- Rating information must be kept in files containing the experience, data, statistics and other information collected or used and shall be available to the commissioner for examination or inspection upon reasonable notice.
- Forms for the Exempt Lines above do not have to be filed, but forms must still satisfy policy form content standards in the law.

II. (A) Rates and Individual Risk Rates

(A) rates and individual risk rates are allowed. [Ins. Code §§ 26-14-102; 26-14-104]

Filing and Record Keeping Requirements

- (A) rates and individual risk rates need not be filed.
- The law states that no insurer shall be required to file any rates with the commissioner other than for those insurance not subject to this act or defined as noncompetitive, because a competitive market is presumed to exist.
- Insurer must maintain complete underwriting files and make available for review by Department upon request.

III. Consent to Rate

- Consent to rate is allowed for property and casualty, excluding workers' compensation. [Ins. Code § 26-14-107 (d)]
- Workers' compensation is handled by the state agency (monopolistic); consent to rate is not available.
- This does not apply to life; disability; reinsurance; insurance against loss of or damage to aircraft, their hulls, accessories and equipment, or against liability arising out of the ownership, maintenance or use of aircraft; ocean marine; title insurance; annuities; and worker's compensation. [Ins. Code § 26-14-102]

Filing and Record Keeping Requirements

- Written application (see attached Consent to Rate Form) signed by the insured, stating reasons for the rate, must be filed with the Commissioner.
- Rates and supplementary rate information must be made available to the Commissioner upon his request.

IV. Manuscript Endorsements

Policies, riders, endorsements and forms of unique character designed for use upon a particular subject are exempt from filing. [Ins. Code § 26-15-110]

Consent to Rate Form

Name of Insurer _____
Address of Insurer _____
Name of Producer _____
Address _____
License Number of Producer _____
Name of Insured _____
Address _____
Policy Number (if known) _____
Effective Date of Policy _____
Expiration Date of Policy _____

Description of Coverage

<u>Coverages applied for</u>	<u>Limits</u>	<u>Amounts of Insurance</u>	<u>Deductibles</u>
------------------------------	---------------	-----------------------------	--------------------

(primary/excess)

<u>Exposure Identification</u>	<u>Class</u>	<u>Territory</u>	<u>Location of Risks</u>
--------------------------------	--------------	------------------	--------------------------

Include any other reason for higher rate: _____

Premiums

_____ Normal (Manual) Premium - estimate if policy is audited
_____ Additional Premium (for extra hazard) – estimate if policy is audited
_____ % Increase to Manual Premium
_____ Total Premium (Premium Payable)

Consent of Insured: I consent to the premium shown above as Premium Payable in this application which is higher than would normally apply because of the greater hazard involved or because _____.

Insured's Signature

Authorized Representative's Signature

Date

Date

DISCLAIMER

While the Company has made reasonable efforts to present the information contained herein in an accurate and reliable manner, this information is continuously subject to change. The Company does not endorse, approve or certify such information, nor does it guarantee the accuracy, completeness, efficacy, or timeliness. Use of such information is voluntary, and reliance on it should only be undertaken after an independent review by your own counsel of its accuracy, completeness, efficacy, timeliness and application to particular facts and circumstances. The Company (including its employees and agents) assumes no responsibility for consequences resulting from the use of this information, or in any respect for the content of such information, including (but not limited to) errors or omissions, the accuracy or reasonableness of factual conclusions, the defamatory nature of statements, ownership of copyright or other intellectual property rights, and the violation of property, privacy or personal rights of others. The Company is not responsible for, and expressly disclaims all liability for, damages of any kind arising out of use, reference to, or reliance on such information. No guarantees or warranties, including (but not limited to) any express or implied warranties of merchantability or fitness for a particular use or purpose, are made by The Company with respect to such information.