

In the Matter of USAA CASUALTY)
INSURANCE COMPANY) Docket No. 3020-CO

5. After being notified of the problem, the company refunded or credited affected accounts and rated the policies using the rates that were in effect.

Conclusions of Law

6. K.S.A. 40-955(f) provides, in relevant part:

No insurer shall make or issue a contract or policy except in accordance with filings which have been filed or approved for such insurer as provided in this act.

7. K.S.A. 40-963 provides, in relevant part:

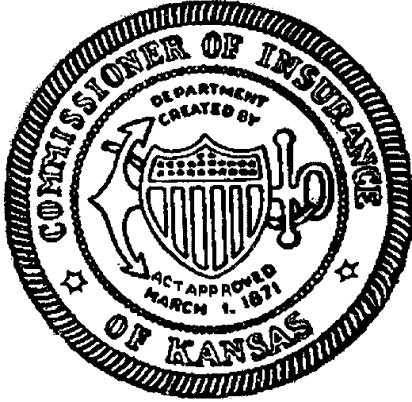
...if the commissioner finds any person or organization has violated any provision of this act, may impose a penalty of not more than \$500 for each violation, but, if the commissioner finds such violation to be willful, may impose a penalty of not more than \$2,000 for each such violation...

8. Based upon the information contained in paragraphs 3 through 5 above, it appears that USAA Casualty Insurance Company issued and delivered five contracts containing rates not approved by the Commissioner prior to use in violation of K.S.A. 40-955(f).

IT IS THEREFORE, BY THE COMMISSIONER OF INSURANCE, ORDERED THAT:

USAA Casualty Insurance Company shall forward a draft in the amount of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) for issuing and delivering contracts containing rates not approved by the Commissioner prior to use. The Commissioner retains jurisdiction for additional administrative penalties concerning this failure to comply with 40-955.

IT IS SO ORDERED THIS 21st DAY OF NOVEMBER, 2001, IN THE CITY
OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



/s/ Kathleen Sebelius
Kathleen Sebelius
Commissioner of Insurance
BY:

/s/ Kathy Greenlee
Kathy Greenlee
General Counsel

/s/ Patrick F. O'Keefe
Patrick F. O'Keefe
United Services Automobile Association

SUBMITTED AND APPROVED BY:

/s/ Deletria L. Nash
Deletria L. Nash
Attorney for Petitioner
Kansas Insurance Department