|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| LINE OF BUSINESS: | |  | | --- | | Burglary & Theft | | LINE(S) OF INSURANCE | CODES |
|  |  | None | None |
|  |  |  |  |
| Code: | 26.0000 |  |  |
|  |  |  |  |
|  |  |  |  |
| IF CHECKLIST IS NOT APPLICABLE, PLEASE EXPLAIN: | |  |  |
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| REVIEW REQUIREMENTS | REFERENCE | | DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS | LOCATION OF STANDARD IN FILING |
| --- | --- | --- | --- | --- |
| GENERAL REQUIREMENTS FOR ALL FILINGS |  | |  |  |
|  |  | |  |  |
| COPIES, RETURN ENVELOPES, ETC |  | |  |  |
|  |  | |  |  |
| COVER LETTER |  | |  |  |
|  |  | |  |  |
| EFFECTIVE DATE WORDING | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html)  [K.S.A. 40-216](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0016.html) | | Rules, rates, and forms shall be effective on filing, or any subsequent date selected by the insurer unless disapproved by the commissioner. |  |
|  |  | |  |  |
| FILING SUBMISSION |  | |  |  |
|  |  | |  |  |
| FREE CONTRACT PROHIBITED |  | |  |  |
|  |  | |  |  |
| LIMITATIONS/RESTRICTIONS ON TRANSACTING BUSINESS |  | |  |  |
|  |  | |  |  |
| NO FILE OR FILING EXEMPTIONS |  | |  |  |
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| REVIEW |  | |  |  |
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| NAIC # |  | |  |  |
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| GENERAL REQUIREMENTSFOR ALL FILINGS |  | |  |  |
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| LINE OF AUTHORITY | [K.S.A. 40-1102](https://www.ksrevisor.org/statutes/chapters/ch40/040_011_0002.html) | | Insurer must have burglary, theft, and robbery authority. |  |
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| THIRD PARTY FILERS AUTHORITY |  | |  |  |
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| TRANSACTING OTHER BUSINESS |  | |  |  |
|  |  | |  |  |
| FORMS⎯POLICY  PROVISIONS |  | |  |  |
|  |  | |  |  |
| ACCESS TO COURTS |  | |  |  |
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| AMBIGUOUS & MISLEADING | [K.S.A. 40-2404(1)(a)](https://www.ksrevisor.org/statutes/chapters/ch40/040_024_0004.html) | | This statute provision prohibits policy provisions that misrepresent the benefits, advantages, conditions, or terms of any insurance policy. |  |
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| APPLICATIONS | [K.A.R. 40-3-23](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-23.pdf) | | Insurers must file applications only if they bind coverage. |  |
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| APPRAISALS |  | |  |  |
|  |  | |  |  |
| ARBITRATION |  | |  |  |
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| BLANK ENDORSEMENTS | [Bulletin 1998-13](https://insurance.ks.gov/department/LegalIssues/bulletins/1998-13.html)  K.S.A. 40-216  K.A.R. 40-1-32  K.A.R. 40-1-39  K.A.R. 40-3-32 | | “Blank,” “Change” or “Manuscript” endorsement when used on an individual risk basis to broaden or restrict coverage must continue to be submitted for approval pursuant to K.S.A. 40-216 or K.A.R. 40-3-32(d) unless exempted by K.A.R. 40-3-32(b) and (c). Insurers are still required to comply with the filing requirements of K.A.R. 40-1-32 and K.A.R. 40-1-39. |  |
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| CERTIFICATIONS | [Bulletin 2010-2](https://insurance.ks.gov/department/LegalIssues/bulletins/2010-2.pdf)  K.S.A. 40-955b | | Insurance agents may not issue certificates of insurance that are not filed and approved by the Kansas Insurance Department, or which violate [K.S.A. 40-955b](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055b.html). |  |
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| CONSUMER INFORMATION |  | |  |  |
| CREDIT SCORING NOTICE | [K.S.A. 40-5103](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0003.html)  [K.S.A. 40-5104](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0004.html)  [K.S.A. 40-5107](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0007.html)  [K.S.A. 40-5115](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0015.html) | | These statutes pertain to the use of Credit Scoring. |  |
| Privacy Notice | [K.A.R. 40-1-46](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-46.pdf) | | This regulation requires all licensees as defined in the regulation to provide privacy notices to its consumers. |  |
| Required Warning |  | |  |  |
| Notification Form |  | |  |  |
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| CONTENT OF POLICIES | [K.S.A. 40-216](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0016.html)  [K.A.R. 40-3-32](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-32.pdf)  [K.A.R. 40-1-15](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-15.pdf)  K.A.R. 40-1-19 | | Requires that all contracts of insurance or indemnity be filed with the Commissioner of Insurance  Exceptions to the above  This regulation provides that a policy form shall not contain the name of an insurance company that is “unauthorized” to transact business in Kansas. May use an endorsement to “delete” an unauthorized company. “Unauthorized” means not licensed or has not filed program in question. |  |
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| Cancellation and Non-Renewal | [K.S.A. 40-2,120](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0120.html)  [K.S.A. 40-2,121](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0121.html)  [K.S.A. 40-2,122](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0122.html)  K.A.R. 40-3-15 | | Written explanation and notice to establish the time limit of cancellation/nonrenewal to the policyholder. |  |
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| COUNTERSIGNATURES |  | |  |  |
| FORMS⎯POLICY  PROVISIONS |  | |  |  |
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| DECLARATIONS PAGE | [K.A.R. 40-3-5](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-5.pdf) | | This regulation requires the filing of declaration pages, unless the company is a member of a rating organization, and the rating organization has the authority to file on its behalf. |  |
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| DISCLOSURES |  | |  |  |
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| DEFINITIONS | [Bulletin 1983-19](https://insurance.ks.gov/department/LegalIssues/bulletins/1983-19.html) | | Actual cash value must be defined. |  |
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| DISCRIMINATION |  | |  |  |
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| EXCLUSIONS & LIMITATIONS |  | |  |  |
| Terrorism | TRIA | | It is acceptable to not offer terrorism coverage for Burglary & Theft. |  |
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| FICTITIOUS GROUPS | [K.A.R. 40-3-6](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-6.pdf) | | This regulation prohibits offering a preferred rate, coverage, or premium based on any fictitious group. |  |
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| FORMS MISCELLANEOUS |  | |  |  |
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| GROUP POLICIES | [K.S.A. 40-955(m)](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | | Master and group policies are not allowed in P&C lines of coverage except as allowed in K.S.A. 40-955(m). |  |
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| INSURANCE TO VALUE | [K.S.A. 40-905](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0005.html) | | Value policy law. |  |
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| LIMITS |  | |  |  |
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| LOSS PAYEE |  | |  |  |
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| LOSS SETTLEMENTS |  | |  |  |
| Appraisal |  | |  |  |
| Arbitration |  | |  |  |
| Deductibles |  | |  |  |
| Loss Valuation |  | |  |  |
| Notice Requirements |  | |  |  |
| Payment of Loss Time Period | [K.S.A. 40-2,126](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0126.html) | | This statute requires that an insurer pay a claim within 30 days or the company will have to pay interest penalties. |  |
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| PARTICIPATING POLICIES | [K.A.R. 40-3-6](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-6.pdf)  [K.A.R. 40-3-7](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-7.pdf)  [K.A.R. 40-3-8](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-8.pdf)  [K.A.R. 40-3-9](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-9.pdf) | These regulations place restrictions on participating policies or the payment of dividends. | |  |
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| POLICY MUST CONTAIN ENTIRE CONTRACT |  | |  |  |
| FORMS⎯POLICY  PROVISIONS |  | |  |  |
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| PREMIUM AUDIT |  | |  |  |
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| PUNITIVE DAMAGES | [K.S.A. 40-2,115](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0115.html) | | Punitive or exemplary damages are prohibited except for insured being vicariously liable. |  |
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| READABILITY |  | |  |  |
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| REBATES | [K.S.A. 40-966](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0066.html) | |  |  |
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| SUBROGATION | [K.A.R. 40-1-20](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-20.pdf) | | Subrogation clause prohibited for certain coverages |  |
| SUIT | [K.S.A. 60-511](https://www.ksrevisor.org/statutes/chapters/ch60/060_005_0011.html) | | K.S.A. 60-511 establishes the timeframe for legal actions. |  |
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| VOIDANCE | [K.S.A.](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0118.html) 40-2,120  K.S.A. 40-2,121  K.S.A. 40-3,122  K.A.R. 40-3-15 | | Kansas insurance law makes no provisions for the voiding or rescinding of an insurance contract. The policy may be cancelled or non-renewed in accordance with the provisions of K.A.R. 40-3-15 and K.S.A. 40-2,120 through K.S.A. 40-2,122. |  |
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| WARRANTIES | [K.A.R. 40-3-16](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-16.pdf) | | Insurers cannot require insureds to make expressed or implied warranties of any fact or allegation in an application or policy. |  |
|  |  | |  |  |
| OTHER |  | |  |  |
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| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  | |  |  |
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| INDIVIDUAL RISK RATING | [K.S.A. 40-954](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0054.html),  [K.A.R. 40-3-26](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-26.pdf) | | These statute and regulations provide the procedure for rates that are modified for individual risks. |  |
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| ACTUARIAL CERTIFICATIONS FOR RATES | [K.S.A. 40-955(e)](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | | Commissioner may require the insurer or rating organization to provide, at their expense, information necessary to evaluate the reasonableness of the filing. |  |
|  |  | |  |  |
| ADOPTIONS OF RATE SERVICE ORGANIZATIONS (RSO) FILINGS |  | |  |  |
| Loss Costs | [K.A.R. 40-3-47](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-47.pdf) | | This regulation establishes requirements and definitions for prospective loss costs and link to applicable loss cost forms. |  |
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| CONSENT-TO-RATE | [K.S.A. 40-954](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0054.html),  [K.A.R. 40-3-25](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-25.pdf)  [K.A.R. 40-3-26](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-26.pdf) | | This statute and regulations provide the procedure for rates in excess of filed rates. |  |
|  |  | |  |  |
| CREDIT SCORING AND REPORTS | [K.S.A. 40-5103](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0003.html)  [K.S.A. 40-5104](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0004.html)  [K.S.A. 40-5107](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0007.html)  [K.S.A. 40-5115](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0015.html) | | The insurance company is required to comply with the noted statutes when credit scores are used for rating. |  |
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| CREDIBILITY AND OTHER FACTORS |  | |  |  |
|  |  | |  |  |
| DEFENSE COSTS | [K.S.A. 40-953](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0053.html) | | Defense costs within the limit of liability may create an excess rate level |  |
|  |  | |  |  |
| DISCOUNTS | [K.S.A. 40-953](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0053.html)  [K.S.A. 40-954](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0054.html) | | Discounts must be supported and justified with premium, loss or expense data and meet public policy concerns. |  |
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| EXPIRATION DATE(S) FOR APPROVED RATES |  | |  |  |
|  |  | |  |  |
| GROUP POLICIES | [K.S.A. 40-955(m)(2)](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | | Master and group policies are not allowed in P&C lines of coverage except as allowed in K.S.A. 40-955(m)(2). |  |
| Extra-Territorial Approval Authority |  | |  |  |
|  |  | |  |  |
| LOSS RATIO STANDARDS |  | |  |  |
|  |  | |  |  |
| MID TERM CHANGES | [K.A.R. 40-1-32](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-32.pdf)  [K.A.R. 40-1-39](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-39.pdf) | | These regulations establish that any mid-term changes must be done with the consent of the insured. |  |
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| LOSS COST MULTIPLIERS | [K.A.R. 40-3-47](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-47.pdf) | | This regulation provides the procedures for the filing of loss cost multipliers and the link to the applicable loss cost forms. |  |
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| PREMIUM REFUND OR RETENTION | [K.A.R. 40-1-17](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-17.pdf) | | An insured is not required to request the return of unearned premium. |  |
|  |  | |  |  |
| PRICING |  | |  |  |
| Minimum Premium Rules |  | |  |  |
| Multi-tier | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | | Tiered rating plan must include rules to specify how the rating plan is to be applied. Rules must be specific to assure a risk cannot qualify for more than one rate level. |  |
| Payment Plans | [K.A.R. 40-1-10](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-10.pdf) | | This regulation addresses the filing of payment plans. |  |
| Premiums |  | |  |  |
| Service Charges | [K.A.R. 40-1-9](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-19.pdf) | | This regulation defines service charges as premium. |  |
| Surcharges | [K.A.R. 40-1-9](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-19.pdf) | | This regulation defines service charges as premium. |  |
| Other Fees | [K.A.R. 40-1-9](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-19.pdf) | | This regulation defines service charges as premium. |  |
|  |  | |  |  |
| RATE RANGES | [K.S.A. 40-953](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0053.html)  K.S.A. 40-954  [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | | Range of Rates are not permitted in Kansas |  |
|  |  | |  |  |
| RATING PLAN REQUIREMENTS |  | |  |  |
| Expense Modification Plan | [K.A.R. 40-3-13](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-13.pdf) | | Risk modification shall not be applied to duplicate factors already fully recognized in the otherwise applicable rate. |  |
| Experience Rating | [K.A.R. 40-3-13](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-13.pdf) | | Risk modification shall not be applied to duplicate factors already fully recognized in the otherwise applicable rate. |  |
| Large Deductible |  | |  |  |
| Retrospective Rating |  | |  |  |
| Schedule Rating | [K.S.A. 40-955b](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055b.html)  [K.S.A. 40-954(c)](http://ksrevisor.org/statutes/chapters/ch40/040_009_0054.html) | | Documentation is required from insurers that wish to increase or decrease premiums on a given risk basis for (medical malpractice, work comp, farm/crop, personal lines) coverage. To comply with K.S.A. 40-955b please provide detailed responses, documentation, and information about how the credits/debits are assigned per risk category. At a minimum, include the following: If the underwriting of a risk characteristic is purely objective, please list the credits/debits that apply. If there is subjectivity in the determination of the characteristic credit/debit, please provide detail about how the underwriter makes that determination.  In addition, please submit a description of the safeguards in place to ensure that individual risk debit and/or credit modifications are reasonable and equitable in their application, are not unfairly discriminatory, violative of public policy or otherwise contrary to the best interests of the people of this state as required by K.S.A. 40-954(c). |  |
| Small Deductible |  | |  |  |
| Wrap-up Rating |  | |  |  |
| Large Risks | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | | Large risks as identified in this statute are exempt from our rate filing requirements. |  |
| RATE/LOSS COST SUPPORTING INFORMATION | [K.S.A. 40-954](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0054.html) | | The insurance company must provide premium, loss and expense data. If losses or premiums are adjusted, the company must submit exhibits supporting the adjustments. This requirement applies to rates, loss cost multipliers, loss cost modification factors, changes to the classification plans, increased limit factors and territory revisions. |  |
| Competition |  | |  |  |
| Expenses |  | |  |  |
| Experience |  | |  |  |
| Judgment |  | |  |  |
| Profit Loading | [K.S.A. 40-954](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0054.html) | | Profit load must be reasonable. |  |
|  |  | |  |  |
| RETURN ON EQUITY DOCUMENT/INVESTMENT INCOME | [K.A.R. 40-3-45](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-45.pdf) | | This regulation requires that investment income be factored into the rates. |  |
|  |  | |  |  |
| RISK CLASSIFICATION |  | |  |  |
|  |  | |  |  |
| SUPPORTING DATA | [K.S.A. 40-954](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0054.html) | | The insurance company must provide premium, loss and expense data. If losses or premiums are adjusted, the company must submit exhibits supporting the adjustments. This requirement applies to rates, loss cost multipliers, loss cost modification factors, changes to the classification plans, increased limit factors and territory revisions. |  |
|  |  | |  |  |
| OTHER |  | |  |  |