|  |  |  |  |
| --- | --- | --- | --- |
| LINE OF BUSINESS: | **Ocean Marine** | LINE(S) OF INSURANCE | CODES |
|  |  |  |  |
|  |  | Ocean Marine | 08.0000 |
| Code: | 8.0000 |  |  |
|  |  |  |  |
|  |  |  |  |
| IF CHECKLIST IS NOT APPLICABLE, PLEASE EXPLAIN: |  |  |
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| REVIEW REQUIREMENTS | REFERENCE | DESCRIPTION OF REVIEWSTANDARDS REQUIREMENTS | LOCATION OF STANDARD IN FILING |
| --- | --- | --- | --- |
| GENERAL REQUIREMENTS FOR ALL FILINGS |  |  |  |
|  |  |  |  |
| COPIES, RETURN ENVELOPES ETC. |  |  |  |
|   |  |  |  |
| COVER LETTER AND EXPLANATORY MEMORANDUM |  |  |  |
|   |  |  |  |
| FILING SUBMISSION |  |  |  |
|   |  |  |  |
| EFFECTIVE DATE WORDING | [K.S.A 40-216](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0016.html) [K.S.A 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Commercial Ocean Marine Filings shall be effective on effective date unless disapproved within 30 days.Personal Ocean Marine filings must be on file with the Department for a minimum of 30 days.  |  |
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| FREE CONTRACT PROHIBITED |  |  |  |
|   |  |  |  |
| LIMITATIONS/RESTRICTIONS ON TRANSACTING BUSINESS  |  |  |  |
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|  NAIC# |  |  |  |
| PART OF COMMERCIAL PACKAGE |  |  |  |
|   |  |  |  |
| LINE OF AUTHORITY | [K.S.A. 40-901](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0001.html) [K.S.A. 40-1102](https://www.ksrevisor.org/statutes/chapters/ch40/040_011_0002.html) | Insurer must have authority to write any line of coverage contemplated in the policy. |  |
|   |  |  |  |
| NO FILE OR FILING EXEMPTIONS | [K.S.A. 40-955(i)](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Commercial Ocean Marine rates and rules are exempt from filing. Personal Inland Marine must file rates and rules, however. |  |
|   |  |  |  |
| SIDE BY SIDE COMPARISON |  |  |  |
|   |  |  |  |
| GENERAL REQUIREMENTS FOR ALL FILINGS |  |  |  |
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| WATERCRAFT LONGER THAN 26 FEET |  | Important to note that the boat must be titled in Kansas. |  |
|   |  |  |  |
|  THIRD PARTY FILERS AUTHORITY |  |  |  |
|   |  |  |  |
| TRANSACTING OTHER BUSINESS |  |  |  |
|  |  |  |  |
| FORMS⎯POLICYPROVISIONS |  |  |  |
|   |  |  |  |
| ACCESS TO COURTS |  |  |  |
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| AMBIGUOUS & MISLEADING | [K.S.A. 40-2404(1a)](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. |  |
|   |  |  |  |
| APPLICATIONS | [K.A.R. 40-3-23](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-23.pdf)[K.A.R. 40-3-25](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-25.pdf) | Requires that binder forms be filed.Declination statement must appear on the application if written as non-standard business. |  |
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| ASSESSIBLE POLICIES |  |  |  |
|   |  |  |  |
| BANKRUPTCY PROVISIONS |  |  |  |
|   |  |  |  |
| BLANK ENDORSEMENTS | [Bulletin 1998-13](https://insurance.ks.gov/department/LegalIssues/bulletins/1998-13.html)K.S.A. 40-216K.A.R. 40-1-32 K.A.R. 40-1-39K.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. |  |
|   |  |  |  |
| CANCELLATION & 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.A.R. 40-3-15](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-15.pdf) | K.S.A. 40-2,120 establishes the grounds for a mid-term cancellation of the policy. K.S.A. 40-2,121 establishes the grounds to non-renew a policy and the notification requirements to the policyholder. K.A.R. 40-3-15 provides a 30-day notice must be given to the policyholder in the event of a mid-term cancellation. |  |
| Calculation of Unearned/Return Premium | [K.S.A. 40-2,112](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0112.html) | Refund for cancellation must accompany the notice or be mailed with 10 days. |  |
| Conditional Renewal |  |  |  |
| Minimum Retained Premium |  |  |  |
| Notice of Cancellation | [K.S.A. 40-2,122](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0122.html) [K.A.R. 40-3-15](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-15.pdf) | Written explanation and notice and establish the time limit notification to the policyholder. |  |
| Notice of Non-renewal | [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) | Written explanation and notice to the policyholder. |  |
| Permissible Reasons for Cancellation | [K.S.A. 40-2,120](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0120.html) | This statute establishes the grounds for cancellation. |  |
| Permissible Reasons for Non-renewal | [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) | These statutes establish the grounds for non-renewal and the time limit notification to the policyholder. |  |
| Required Policy Period |  |  |  |
| Return Premium | [K.A.R. 40-1-17](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-17.pdf) | Request of the return of unearned premium by the insured shall not be required. |  |
| Suspension |  |  |  |
|   |  |  |  |
| CERTIFICATIONS | [Bulletin 2010-2](https://insurance.ks.gov/department/LegalIssues/bulletins/2010-2.pdf)K.S.A. 40-955 | 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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| CONINSURANCE |  |  |  |
|   |  |  |  |
| CONSUMER INFORMATION |  |  |  |
| Credit Scoring Notice | [K.S.A. 40-5107](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0007.html) [K.S.A. 40-5103](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0003.html) | These statutes require the notices for 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. |  |
| VSI Warning |  |  |  |
| Notification Form |  |  |  |
|   |  |  |  |
| CONTENT OF POLICIES | [K.A.R 40-3-22](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-22.pdf)[K.A.R 40-3-24](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-24.pdf)[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. 40-1-16](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-16.pdf)[K.A.R. 40-1-19](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-19.pdf) | This regulation stipulates what is considered Commercial or Personal Inland Marine/Ocean Marine.Requires that all contracts of insurance or indemnity be filed withCommissioner of Insurance.Exceptions listed in K.A.R. 40-3-32.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 does not have program in question filed.Addresses advertising.Addresses combination policies. |  |
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| COUNTERSIGNATURES |  |  |  |
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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 |  |  |  |
|   |  |  |  |
| 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 |  |  |  |
|   |  |  |  |
| DUTY TO DEFEND |  |  |  |
|   |  |  |  |
| EXCLUSIONS & LIMITATIONS |  |  |  |
| Mold |  |  |  |
| Terrorism |  |  |  |
|   |  |  |  |
| 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). |  |
| Extra-Territorial Approval Authority |  |  |  |
|   |  |  |  |
| 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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| LIBERALIZATION CLAUSE |  |  |  |
|   |  |  |  |
| LIMITS |  |  |  |
|   |  |  |  |
| LOSS PAYEE |  |  |  |
|   |  |  |  |
| LOSS SETTLEMENTS |  |  |  |
| Action Against Company | [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. |  |
| After Market Parts |  |  |  |
| Deductibles |  |  |  |
| 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 |  |
| 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 must pay a claim within 30 days or will have to pay interest penalties. |  |
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| MEDICAL PAYMENTS |  |  |  |
|   |  |  |  |
| MINIMUM STANDARDS FOR CONTENT (POLICIES AND STANDARD FORMS) |  |  |  |
|   |  |  |  |
| ORDINANCE/LAW PROVISIONS |  |  |  |
|   |  |  |  |
| FORMS⎯POLICYPROVISIONS |  |  |  |
|  |  |  |  |
| POLICY MUST CONTAIN ENTIRE CONTRACT |  |  |  |
|  |  |  |  |
| PRIMARY/UNDERLYING COVERAGE |  |  |  |
|   |  |  |  |
| READABILITY |  |  |  |
|   |  |  |  |
| REBATES | [K.S.A. 40-966](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0066.html) |  |  |
|   |  |  |  |
| STANDARD FIRE POLICY |  |  |  |
|   |  |  |  |
| 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 coverage. |  |
| Suit | [K.S.A. 60-511](https://www.ksrevisor.org/statutes/chapters/ch60/060_005_0011.html) | Establishes the timeframe for legal actions. |  |
|   |  |  |  |
| TIMELINESS |  |  |  |
|   |  |  |  |
| TRAVEL |  | Standalone Travel Filings must be filed under TOI 9.0009 |  |
| Baggage |  |  |  |
| Trip Cancellation |  |  |  |
|   |  |  |  |
| VOIDANCE | [K.S.A. 40-2,120](http://www.kslegislature.org/li/statute/040_000_0000_chapter/040_002_0000_article/040_002_0118_section/040_002_0118_k/)K.S.A. 40-2,121K.S.A. 40-2,122K.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 40-2,122. |  |
|   |  |  |  |
| 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 |  |  |  |
|   |  |  |  |
| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  |  |  |
|   | [K.S.A. 40-955(i)](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Commercial Ocean Marine rates and rules are exempt from filing.  |  |
| INDIVIDUAL RISK RATING |  |  |  |
|   |  |  |  |
| 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 info necessary to evaluate the reasonableness of the filing. |  |
|   |  |  |  |
| ADOPTIONS OF RATE SERVICE ORGANIZATIONS (RSO) FILINGS | [K.S.A. 40-956](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0056.html) | General provisions relating to Fire Insurance Companies. |  |
| 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. |  |
|   |  |  |  |
| 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 regulation provide the procedure for rates that are modified for individual risks. |  |
|   |  |  |  |
| 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. |  |
|   |  |  |  |
| CREDIBILITY |  |  |  |
|   |  |  |  |
| 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 |  |
|   |  |  |  |
| EXPIRATION DATE(S) FOR APPROVED RATES |  |  |  |
|   |  |  |  |
| 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). |  |
| 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. |  |
|   |  |  |  |
| 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. |  |
|   |  |  |  |
| PREMIUM REFUND OR RETENTION | [K.A.R. 40-1-17](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-17.pdf) [K.S.A. 40-2,112](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0112.html) | An insured is not required to request the return of unearned premium. Any unearned premium must be sent to the consumer with the cancellation notice. |  |
|   |  |  |  |
| PRICING |  |  |  |
| Charges |  |  |  |
| Minimum Premium Rules |  |  |  |
| Multi-tier | Bulletin 1993-27[K.S.A. 40-953](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0053.html) | A company choosing to adopt a tiered rating plan must adhere to the requirements outlined in this bulletin.The eligibility criteria for a tiered rating plan must be on file. The criteria must be mutual exclusive to prevent unfair rate discrimination. |  |
| 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-1/40-1-9.pdf) | This regulation defines service charges as premium. |  |
| Surcharges | [K.A.R. 40-1-9](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-9.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-1/40-1-9.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) | Range of Rates are not permitted in Kansas |  |
|   |  |  |  |
| RATING PLAN REQUIREMENTS | [K.A.R 40-3-24](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-24.pdf) | This regulation lists the types of Personal Marine coverage which require rates and rules to be files.  |  |
| Expense Modification Plan |  |  |  |
| Experience Rating |  |  |  |
| 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  |  |  |  |
|   |  |  |  |
| RATE/LOSS COST SUPPORTING INFORMATION |  |  |  |
| Competition |  |  |  |
| Expenses |  |  |  |
| Experience |  |  |  |
| Judgment |  |  |  |
| Credibility and other factors |  |  |  |
| 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/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. |  |
|   |  |  |  |
| 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. |  |
|   |  |  |  |
| TRENDING  |  |  |  |
|   |  |  |  |
| OTHER |  |  |  |