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| --- | --- | --- | --- | --- |
| LINE OF BUSINESS: | |  | | --- | | Other Liability | | LINE(S) OF INSURANCE | CODES |
|  |  | Claims Made | 17.1000 |
|  |  | Occurrence | 17.2000 |
| Code: | 17.0000 | CGL | 17.0001 |
|  |  | Completed Operations | 17.0002 |
|  |  | All other sublines please type codes |  |
| 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 |  |  |  |
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| COPIES, RETURN ENVELOPES ETC. |  |  |  |
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| COVER LETTER AND EXPLANATORY MEMORANDUM |  |  |  |
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| FILING SUBMISSION |  |  |  |
| Effective Date | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html)  [K.S.A. 40-955(h)](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) | Commercial Liability rules, rates and forms shall be effective on filing, or any subsequent date selected by the insurer unless disapproved by the commissioner. Umbrella and Excess Commercial rates and rating rules are exempt from rate filing requirements, and form filings shall be effective on filing unless disapproved within 30 days. Personal Umbrella and Excess Personal rate, rule and form filings shall be on file for a waiting period of 30days. During this time the filings are subject to a review. |  |
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| FREE CONTRACT PROHIBITED |  |  |  |
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| LIMITATIONS/RESTRICTIONS ON TRANSACTING BUSINESS |  |  |  |
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| NAIC # |  |  |  |
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| LINE OF AUTHORITY | [K.S.A. 40-1102](https://www.ksrevisor.org/statutes/chapters/ch40/040_011_0002.html)  K.S.A. 40-901 | Insurer must have at least general liability authority, and in the case of personal and commercial umbrella/excess, the insurer must have authority for all lines of coverage provided. |  |
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| NO FILE OR FILING EXEMPTIONS |  |  |  |
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| SIDE BY SIDE COMPARISON |  |  |  |
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| THIRD PARTY FILERS AUTHORITY |  |  |  |
| GENERAL REQUIREMENTS  FOR ALL FILINGS |  |  |  |
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| TRANSACTING OTHER BUSINESS |  |  |  |
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| FORMS⎯POLICY  PROVISIONS |  |  |  |
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| ACCESS TO COURTS |  |  |  |
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| AGGREGATE LIMITS |  |  |  |
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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 |  |  |  |
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| ARBITRATION |  |  |  |
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| ASSESSIBLE POLICIES |  |  |  |
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| BANKRUPTCY PROVISIONS |  |  |  |
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| BLANK ENDORSEMENTS | [Bulletin 1998-13](https://insurance.ks.gov/department/LegalIssues/bulletins/1998-13.html)  K.A.R. 40-1-32  K.A.R. 40-1-39 | Blank or change endorsements do not have to be filed with our office. Insurers must comply with K.A.R. 40-1-32 and 40-1-39. |  |
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| CANCELLATION & NON-RENEWAL | K.S.A. 40-2,120  K.S.A. 40-2,121  K.S.A. 40-2,122  K.A.R. 40-3-15 | 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 may accompany the notice or be returned within 10 days from the date of the notice. |  |
| 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 establishes the time limit notification to the policyholder. |  |
| Notice of Non-renewal | [K.S.A. 40-2,122](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0122.html) | Written explanation and notice. |  |
| 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) | This statute establishes the grounds for non-renewal and the time limit notification to the policyholder. |  |
| Required Policy Period |  |  |  |
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| CERTIFICATIONS | [Bulletin 2010-2](https://insurance.ks.gov/department/LegalIssues/bulletins/2010-2.pdf)  [K.S.A. 40-955b](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055b.html) | Insurance agents may not issue certificates of insurance that are not filed & approved by the Kansas Insurance Department or which violate K.S.A. 40-955b. |  |
| FORMS⎯POLICY PROVISIONS |  |  |  |
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| CLAIMS MADE |  |  |  |
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| CLEAR & UNAMBIGUOUS LANGUAGE | [K.S.A. 40-2404(1)(a)](https://www.ksrevisor.org/statutes/chapters/ch40/040_024_0004.html) | This statute prohibits policy provisions that misrepresent the benefits, advantages, conditions or terms of any insurance policy. |  |
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| CONSUMER INFORMATION |  |  |  |
| 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 |  |  |  |
|  |  |  |  |
| 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. |  |
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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. 40-1-16](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) | 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.  This regulation provides that any form to be attached to a policy shall not contain advertising which misleads, does not materially facilitate understanding of the form, or does not facilitate identification of the insurer.  This regulation provides that an authorized company is prohibited from issuing a policy for which combines insurance for which rate filings are required with insurance for which rate filings are not required. There are some exceptions. |  |
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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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| DEFENSE WITHIN LIMITS | [K.S.A. 40-953](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0053.html) | Defense costs within limits of liability may create an excess rate level. |  |
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| DISCLOSURES |  |  |  |
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| DEFINITIONS | Bulletin 1993-19 | Actual cash value must be defined. |  |
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| DISCRIMINATION |  |  |  |
| Domestic Abuse |  |  |  |
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| DUTY TO DEFEND |  |  |  |
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| EMPLOYERS LIABILITY |  |  |  |
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| EXCESS COVERAGE | [K.A.R. 40-1-19](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-19.pdf) | Prohibits issuing a policy which combines insurance for which rate filings are required with insurance for which rate filings are not required. |  |
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| EXCLUSIONS & LIMITATIONS |  |  |  |
| FORMS⎯POLICY PROVISIONS |  |  |  |
| Asbestos |  |  |  |
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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. |  |
| FORMS MISCELLANEOUS |  |  |  |
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| 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). |  |
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| LIMITS |  |  |  |
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| LOSS PAYEE |  |  |  |
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| LOSS SETTLEMENTS |  |  |  |
| Appraisal |  |  |  |
| 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 action. |  |
| After Market Parts |  |  |  |
| Arbitration |  |  |  |
| Deductibles |  |  |  |
| Defense Costs |  |  |  |
| 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) | Insurer must pay a claim within 30 days or the company will have to pay interest penalties. |  |
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| MEDICAL PAYMENTS |  |  |  |
|  |  |  |  |
| OTHER INSURANCE |  |  |  |
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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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| PERSONAL INJURY PROTECTION |  |  |  |
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| PREMIUM AUDIT |  |  |  |
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| OTHER INSURANCE |  |  |  |
|  |  |  |  |
| PRIMARY UNDERLYING COVERAGE |  |  |  |
|  |  |  |  |
| PUNITIVE DAMAGES | [K.S.A. 40-2,115](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0115.html) | Punitive or exemplary damages coverage is 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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| SERVICE CONTRACTS⎯VEHICLE & OTHER THAN VEHICLE |  |  |  |
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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 timeframe for legal actions. |  |
|  |  |  |  |
| TIMELINESS |  |  |  |
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| VICARIOUS LIABILITY | [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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| 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. 40-2,122  K.A.R. 40-3-15 | Kansas insurance law makes no provision for 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. |  |
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| WORKERS’ COMPENSATION⎯EXCESS |  |  |  |
|  |  |  |  |
| OTHER |  |  |  |
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| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  |  |  |
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| "A" RATED RISKS | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | “A” rated risks are exempt from rate filing requirements. |  |
| 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) | This statute and regulation provide the procedure for rates that are modified for individual risks. |  |
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| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  |  |  |
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| ACTUARIAL CERTIFICATIONS FOR RATES | [K.S.A. 40-955(c)](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. |  |
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| 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. |  |
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| 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 with the noted statutes when credit scores are used for rating. |  |
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| CATASTROPHE HAZARDS |  |  |  |
|  |  |  |  |
| DEFENSE COSTS | [K.S.A. 40-953](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0053.html) | Defense costs within the limits of liability may create an excess rate level. |  |
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| 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 |  |  |  |
|  |  |  |  |
| REVIEW REQUIREMENTS |  |  |  |
| 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 a 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)  K.S.A. 40-2,112 | 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. |  |
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| PRICING |  |  |  |
| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  |  |  |
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| Minimum Premium Rules |  |  |  |
| Multi-tier | Bulletin 1993-27 | Tiered Rating Plan must include rules to specify how the rating plan is to be applied. Rules must specify to assure a risk cannot qualify for 2 different rate levels. |  |
| 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)  [K.S.A. 40-954](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0054.html)  [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Range of Rates is not permitted in Kansas. |  |
|  |  |  |  |
| RATING PLAN REQUIREMENTS |  |  |  |
| Expense Modification Plan | K.A.R. 40-3-13 | Risk modification shall not be applied to duplicate factors already fully recognized in the otherwise applicable rate.  Not applicable to Personal Umbrella/Excess. |  |
| Experience Rating | K.A.R. 40-3-13 | Risk modification shall not be applied to duplicate factors already fully recognized in the otherwise applicable rate.  Not applicable to Personal Umbrella/Excess. |  |
| Large Deductible |  |  |  |
| Retrospective Rating |  |  |  |
| Schedule Rating | [K.S.A. 40-955b](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Schedule rating is not required to be filed pursuant to K.S.A. 40-955. Not applicable to Personal Umbrella/Excess. |  |
| 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. Not applicable to Commercial Umbrella/Excess. |  |
| Competition |  |  |  |
| Expenses |  |  |  |
| Experience |  |  |  |
| Judgment |  |  |  |
| Credibility and factors trending |  |  |  |
| 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 |  |  |  |
|  |  |  |  |
| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  |  |  |
|  |  |  |  |
| TERRITORIES |  |  |  |
|  |  |  |  |
| OTHER |  |  |  |