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| LINE OF BUSINESS: | **Auto Liability** | LINE(S) OF INSURANCE | CODES |
|  | Auto Physical Damage | Personal PP | 19.1001 |
|  |  | Auto No-fault (PIP) | 19.0001 |
| Code: | 19.0000 | Other Auto Liability | 19.0002 |
|  | 21.0000 | Personal PD | 21.2002 |
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| IF CHECKLIST IS NOT APPLICABLE, PLEASE EXPLAIN: | |  |  |
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| REVIEW REQUIREMENTS | REFERENCE | DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS | LOCATION OF STANDARD IN FILING |
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| GENERAL REQUIREMENTS FOR ALL FILINGS |  |  |  |
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| COPIES, RETURN ENVELOPES, ETC |  |  |  |
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| COVER LETTER AND EXPLANATORY MEMORANDUM | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | An explanatory memorandum should be submitted in every rate filing that is required to be filed pursuant to K.S.A. 40-955, this would include personal auto rate filings. |  |
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| 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)  [K.S.A. 40-970](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0070.html) | Personal auto rate, rule and form filings shall be on file 30 days. During this time the filings are subject to a review.  Personal auto rate filings that have a total percentage change between +/- 12% can be filed under the flex rating statutes in any period of 12 consecutive periods. |  |
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| FREE CONTRACT PROHIBITED |  |  |  |
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| LIMITATIONS/RESTRICTIONS ON TRANSACTING BUSINESS | [K.S.A. 40-216](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0016.html)  [K.A.R. 40-1-15](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-15.pdf) | Requires that all contracts of insurance or indemnity be filed with commissioner of Insurance.  This regulation provides that a policy form shall not contain the name of an insurance company that is “unauthorized” to transact business in Kansas. We have interpreted “unauthorized” to mean not licensed or does not have program in question filed. |  |
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| LINE OF AUTHORITY | [K.S.A. 40-1102](https://www.ksrevisor.org/statutes/chapters/ch40/040_011_0002.html)  [K.A.R. 40-3-36](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-36.pdf)  [K.S.A. 40-3118(a](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html))  [K.S.A. 40-3104](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0004.html)  [K.S.A. 40-3103g](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0003.html) | This statute authorizes these lines of coverage.  Pursuant to K.A.R. 40-3-36, for the purpose of compliance with K.S.A. 40-3118a, a policy of motor vehicle liability insurance shall mean a contract meeting the requirements of 40-3104 issued by an insurer as defined in K.S.A. 40-3103g at the date of issuance and inception date of the contract. |  |
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| NO FILE OR FILING EXEMPTIONS |  |  |  |
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| UMBRELLA/EXCESS LIABILITY | [K.S.A. 40-3120](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0020.html)  [K.S.A. 40-3118](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html) | K.S.A. 40-3120 states availability of motor vehicle liability insurance policies containing coverage exceeding that required to comply with K.S.A. 40-3118 will not be discouraged in Kansas. |  |
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| THIRD PARTY FILERS AUTHORITY |  |  |  |
| GENERAL REQUIREMENTSFOR 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(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. |  |
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| APPLICATIONS | [K.A.R. 40-3-18](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-18.pdf)  [K.A.R. 40-3-25](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-25.pdf) | Personal auto applications must be filed pursuant to this regulation.  Requires that an applicant sign a three-company declination statement if coverage is offered by a non-standard company. |  |
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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.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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| CANCELLATION & NON-RENEWAL | [K.S.A. 40-276a](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0076a.html)  [K.S.A. 40-277](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0077.html)  [K.S.A. 40-278](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0078.html) | K.S.A. 40-276a establishes the only reasons a policy can be non-renewed. K.S.A. 40-277 establishes the only reasons a policy can be cancelled. K.S.A. 40-278 establishes the requirements of notice to a policyholder. |  |
| 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. 40-3118](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html)  [K.S.A. 40-278](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0078.html)  [K.A.R. 40-3-31](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-31.pdf) | K.S.A. 40-3118(b) contains language that must appear on the face of the notice. K.S.A. 40-3118 also requires that the policyholder receive 30 days advance notice in the event of a cancellation. K.S.A. 40-278 contains language that must appear on the notice. K.A.R. 40-3-31 requires that these forms be on file with this department. This regulation also contains a condition for the policyholder to receive the reason for the cancellation if it does not appear on the notice. |  |
| Notice of Non-renewal | [K.S.A. 40-276a](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0076a.html)  [K.S.A. 40-3118](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html)  [K.S.A. 40-278](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0078.html)  [K.A.R. 40-3-31](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-31.pdf)  [K.A.R. 40-1-10](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-10.pdf) | This statute requires that the policyholder receive 30 days advance notice for a non – renewal. K.S.A. 40-3118(b) contains language that must appear on the face of the notice. K.S.A. 40-278 contains language that must appear on the notice. K.A.R. 40-3-31 requires that these forms be on file with this department. This regulation also contains a condition for the policyholder to receive the reason for the cancellation if it does not appear on the notice.  K.A.R. 40-1-10 requires at least five days advanced notice for cancellation for non – payment of premium. |  |
| Permissible Reasons for Cancellation | [K.S.A. 40-277](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0077.html) | This statute contains the only reasons to cancel an auto policy. |  |
| Permissible Reasons for Non-renewal | [K.S.A. 40-276a](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0076a.html) | This statute contains the only reasons to non-renew an auto policy. |  |
| 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)  [K.S.A. 40-2,112](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0112.html)  [K.S.A. 40-3118(k)](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html) | Refund for cancellation must accompany the notice or be mailed with 10 days. If coverage is in effect, such refund may accompany the notice of the adverse underwriting decision or such refund may separately be returned in not more than 10 days from the date of such notice. The notice shall contain language indicating that any refund due will be returned in not more than 10 days from the date on such notice. |  |
| Suspension | [K.S.A. 40-3118](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html)  [K.S.A. 40-3103](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0003.html)  [K.A.R. 40-1-17](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-17.pdf) | These require continuous coverage throughout the registration period of the motor vehicle. Therefore, coverage cannot be suspended on a policy covering a motor vehicle as defined in K.S.A. 40-3103(m) |  |
| FORMS⎯POLICY PROVISIONS |  |  |  |
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| CERTIFICATIONS | [K.S.A. 40-955(b)](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html)  [Bulletin 2010-2](https://insurance.ks.gov/department/LegalIssues/bulletins/2010-2.pdf) | 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. 40-95(b). |  |
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| CLAIMS MADE | [K.S.A. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | This statute requires coverage on an occurrence basis. |  |
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| 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 |  |  |  |
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| CONTENT OF POLICIES | [K.A.R. 40-1-15](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-15.pdf) | A policy form shall not contain the name of an insurance company that is unauthorized to transact business in Kansas. If the policy contains the name of more than one company authorized to transact business in Kansas, the policy shall clearly provide for the designation, when issued, of the company, or companies, assuming direct liability on the contract. |  |
|  | [K.A.R. 40-1-16](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-16.pdf) | This regulation pertains to advertising in an application, policy form, endorsement or any other form that is attached to a policy. |  |
|  | [Bulletin 1983-19](https://insurance.ks.gov/department/LegalIssues/bulletins/1983-19.html) | Actual cash value must be defined. |  |
| 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. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | K.S.A. 40-3107(e) states that the limit of liability shall not be reduced by “interest and costs”. Therefore, Defense costs within limits is not permitted. |  |
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| DISCLOSURES |  |  |  |
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| DEFINITIONS | [K.S.A. 40-3103](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0003.html)  [Bulletin 2004-8](https://insurance.ks.gov/department/LegalIssues/bulletins/2004-8.pdf)  [Bulletin 1983-19](https://insurance.ks.gov/department/LegalIssues/bulletins/1983-19.html) | Definitions to be included for Auto Coverage in Kansas. |  |
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| DISCRIMINATION | [K.S.A. 40-295](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0095.html) | This statute prohibits age discrimination in the issuance, extension or renewal of any auto insurance policy. This statute also prohibits age discrimination in the acceptance of any application. |  |
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| DUTY TO DEFEND |  |  |  |
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| EMPLOYERS LIABILITY |  |  |  |
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| EXCESS COVERAGE | [K.S.A. 40-3120](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0020.html)  [K.S.A. 40-3118](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html) | K.S.A. 40-3120 states availability of motor vehicle liability insurance policies containing coverage exceeding that required to comply with K.S.A. 40-3118 will not be discouraged in Kansas. |  |
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| EXCLUSIONS & LIMITATIONS | [K.S.A. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html)  [K.S.A. 40-3108](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0008.html)  [K.S.A. 40-284](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0084.html) | This statute contains the only exclusions that an automobile policy can have for liability PIP and uninsured motorist coverage. We will not approve any exclusion not listed in this statute. |  |
| Asbestos |  |  |  |
| Lead |  |  |  |
| Mold |  |  |  |
| Terrorism |  |  |  |
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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). |  |
| Extra-Territorial Approval Authority |  |  |  |
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| GUEST PASSENGER LIABILITY | [K.S.A. 40-3107(f)](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | K.S.A. 40-3107 (f) requires liability limits to include personal injury protection benefits for all passengers for loss sustained by any such person as a result of injury sustained in a motor vehicle accident of an insured vehicle. |  |
| INSURANCE IDENTIFICATION CARDS | [K.S.A. 40-3104](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0004.html)  [K.S.A. 8-1604](https://www.ksrevisor.org/statutes/chapters/ch08/008_016_0004.html) | These statutes contain the required information that must appear on an identification card. |  |
| LIMITS | [K.S.A. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | K.S.A. 40-3107(e) establishes the minimum financial responsibility limits for automobile insurance. |  |
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| LOSS PAYEE | [Bulletin 2004-3](https://insurance.ks.gov/department/LegalIssues/bulletins/2004-3.pdf) | This bulletin outlines this agency’s expectation when an insurance company pays a loss and there is a lien holder. |  |
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| LOSS SETTLEMENTS | [K.A.R. 40-2,126](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0126.html) | Company must make payment of claim within 30 days |  |
| 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 actions. |  |
| After Market Parts | [K.S.A. 50-660](https://www.ksrevisor.org/statutes/chapters/ch50/050_006_0060.html)  [K.S.A. 50-661](https://www.ksrevisor.org/statutes/chapters/ch50/050_006_0061.html)  [K.S.A. 50-662](https://www.ksrevisor.org/statutes/chapters/ch50/050_006_0062.html) | These statutes set forth requirements that insurers must follow if they choose to use aftermarket parts. |  |
| Arbitration |  |  |  |
| Deductibles |  |  |  |
| Defense Costs | [K.S.A. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | K.S.A. 40-3107(e) states that costs and interest cannot be included in the limit of liability. |  |
| Loss Valuation | [K.A.R. 40-1-34](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-34.pdf)  [Bulletin 2004-8](https://insurance.ks.gov/department/LegalIssues/bulletins/2004-8.pdf) | K.A.R. 40-1-34 establishes the claims handling procedures for companies adjusting claims in this state. Bulletin 2004-8 informs the companies of statutes in the Department of Revenue code for determining when a vehicle is a total loss and procedures for applying for a salvage title. The definition of total loss must ready exactly or close to that as given in Bulletin 2004-8. |  |
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| NOTICE REQUIREMENTS | See cancellation and non-renewal sections |  |  |
| 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. |  |
| Appraisal |  |  |  |
| MEDICAL PAYMENTS | [K.A.R. 40-1-20](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-20.pdf) | This regulation restricts an insurers subrogation rights. |  |
|  | [K.A.R. 40-3-21](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-21.pdf) | This regulation places coverage requirements for companies offering a funeral benefit under this coverage. |  |
| MINIMUM STANDARDS FOR CONTENT (POLICIES AND STANDARD FORMS) | [K.S.A. 40-216](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0016.html)  [K.A.R. 40-3-5](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-5.pdf)  [K.S.A. 40-3104](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0004.html)  [K.S.A. 40-284](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0084.html)  [K.A.R. 40-3-31](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-31.pdf)  [K.S.A. 40-276a](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0076a.html)  [K.S.A. 40-277](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0077.html) | For new programs, pursuant to K.S.A. 40-216, insurance companies must file all forms utilized in the transaction of business in Kansas. K.A.R. 40-3-5 requires that ‘all basic policy forms and jackets’ must be filed, including policy declarations form. An Insurance identification card needs submitted, pursuant to K.S.A. 40-3104. Companies should also file an uninsured motorist excess limits rejection form, pursuant to K.S.A. 40-284. Notices of cancellation and non-renewal for Kansas are also required (K.S.A. 40-3-31) (K.S.A. 40-276a and K.S.A. 40-277). |  |
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| FORMS⎯POLICY PROVISIONS |  |  |  |
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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. |  |
|  |  |  |  |
| PERMISSIBLE DRIVER | [K.S.A. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | K.S.A. 40-3107(b) states that insurers are required to provide coverage to permissive users subject to the limits stated in the policy. As the limits are stated on the declaration page, it is this agency’s position that permissive operators have access to the full limits of the policy and we will not approve an endorsement that restricts coverage to the minimum financial responsibility limits. |  |
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| PERSONAL INJURY PROTECTION | [K.S.A. 40-3103](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0003.html)  [K.S.A. 40-3108](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0008.html)  [K.S.A. 40-3109](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0009.html)  [K.S.A. 40-3110](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0010.html)  [K.S.A. 40-3113a](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0013a.html)  [K.S.A. 40-3114](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0014.html)  [K.S.A. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | This statute establishes the minimum benefits for this coverage.  Insurers can exclude coverage only under the conditions listed in this statute.  This statute establishes which insurer must provide coverage.  Insurers must provide benefits within 30 days after a claim has been filed.  This statute establishes an insurers subrogation rights.  Insurers must file a Salary and Wage Verification form.  Motorcycle operators can reject no – fault coverage in writing. The insurer must file this form. |  |
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| PREMIUM AUDIT |  |  |  |
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| PREMIUM REFUND | [K.S.A. 40-2,112](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0112.html)  [K.S.A. 40-3118(k)](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html) | Refund for cancellation must accompany the notice or be mailed with 10 days.  Pursuant to 40-2,112: If coverage is in effect, such refund may accompany the notice of the adverse underwriting decision or such refund may separately be returned in not more than 10 days from the date of such notice. The notice shall contain language indicating that any refund due will be returned in not more than 10 days from the date on such notice. |  |
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| PRIMARY/UNDERLYING COVERAGE | [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) | Primary or underlying coverage must be on file and approved prior to umbrella or excess program filings can be approved for use. |  |
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| PRIOR APPROVAL | [K.S.A. 40-216](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0016.html) | Requires the approval of the policy forms prior to use. |  |
| RATING INFORMATION FORM | [K.A.R. 40-3-18](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-18.pdf) | A Company must develop and file a form that describes the classification in accordance with its applicable rate filings. |  |
| PUNITIVE DAMAGES |  |  |  |
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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 | [K.S.A. 40-201a](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0001a.html) | Pursuant to K.S.A. 40-201a, service contracts are exempt from regulation by DOI.  Benefits that fall under the rubric of a service contract, pursuant to this statute, include contracts to service, repair, replace or maintain a specific component of property. |  |
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| SUBROGATION | See Personal Injury Protection and Uninsured Motorist Coverage Sections |  |  |
| 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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| TIMELINESS |  |  |  |
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| UNINSURED/UNDERINSURED MOTORISTS | [K.S.A. 40-284](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0084.html)  [K.S.A. 40-287](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0087.html) | The company must offer uninsured motorists coverage at limits equal to the bodily injury limits purchased. The applicant should not be offered limits up to the bodily injury limits. The applicant should also be given the option to reject Uninsured motorist coverage to the minimum limit as stated in K.S.A. 40-3107.  This statute provides the required coverage provisions and the only permissive exclusions for this coverage.  The excess limits rejection form must be filed by the insurance company. We note that the statute requires the insurer to offer coverage at the same limits as the bodily injury limits purchased. The named insured has the option of rejecting the coverage down to the minimum financial responsibility limits. Any form that appears to give the named insured an option of purchasing this coverage or is not clear that coverage is offered at the full bodily injury limit will not be accepted by this agency.  This statute establishes the subrogation rights for insurers providing this coverage. |  |
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| USE & FILE | [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)  [K.S.A. 40-970](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0070.html) | Use and File is not an acceptable filing method in Kansas, personal lines are “Prior Approval” unless they meet the criteria of a “flex rate filing”. Please see the following info:  Personal auto rate, rule and form filings shall be on file for 30 days. During this time the filings are subject to a review. (Prior Approval)  Personal auto rate filings that have a total percentage change between +/- 12% can be filed under the flex rating statutes in any period of 12 consecutive periods. |  |
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| VALUED POLICIES |  |  |  |
| FORMS⎯POLICY PROVISIONS |  |  |  |
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| VICARIOUS LIABILITY |  |  |  |
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| 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. 40-2,121  K.S.A. 40-2,122  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) | Insurance companies cannot require insureds to make express or implied warranties of any fact or allegation in an application or policy. |  |
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| WORKERS’ COMPENSATION, EXCESS |  |  |  |
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| OTHER | [K.S.A. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | The only acceptable exclusions for liability are listed under this statute |  |
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| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  |  |  |
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| INDIVIDUAL RISK RATING |  |  |  |
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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 info necessary to evaluate the reasonableness of the filing. |  |
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| ADOPTIONS OF RATE SERVICE ORGANIZATIONS (RSO) FILINGS | [K.A.R. 40-3-5](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-5.pdf) | This regulation establishes requirements for adopting from regulatory service organizations. |  |
| 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. |  |
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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 regulation provide the procedure for rates that are modified for individual risks. |  |
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| CREDIT SCORING AND REPORTS | [K.S.A. 40-5101](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0001.html) through [K.S.A. 40-5114](https://www.ksrevisor.org/statutes/chapters/ch40/040_051_0014.html) | An insurer cannot refuse to quote, deny, cancel or refuse to renew a policy solely because of credit information.  An insurer cannot base an insured's renewal rates solely on credit information.  An insurer cannot consider the absence of credit information or the inability to calculate a credit score in underwriting or rating, unless the insurer treats the consumer as if he has neutral credit information; or exclude the use of credit information and use only other underwriting criteria.  Not later than every 36 months, the insurer shall recalculate the insurance score or obtain an updated credit report.  A policyholder, at annual intervals, can request the insurer to re - rate or re - underwrite the policy based on a current credit report or insurance score. This information cannot be used to increase the consumer's rate.  The following cannot be used as a negative factor against a consumer in any insurance scoring methodology:  Any credit inquiry not initiated by the consumer or any inquiry requested by the consumer for the consumer's own credit information. Any inquiry related to insurance coverage if identified on a consumer's credit report. Any collection account with a medical industry code if identified on the consumer's credit report. Any additional lender inquiries beyond the first such inquiry related to the same loan if coded on a consumer's credit report and made within 30 days of one another. |  |
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| CREDIBILITY |  |  |  |
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| DEFENSE COSTS | [K.S.A. 40-3107](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0007.html) | K.S.A. 40-3107(e) states that costs and interest cannot be included in the limit of liability. |  |
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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 |  |
|  | [K.S.A. 40-1112a](https://www.ksrevisor.org/statutes/chapters/ch40/040_011_0012a.html) | This statute requires all companies writing personal auto, motorcycle insurance to provide a premium reduction the policyholder / applicant has successfully completed a motor vehicle accident prevention course of 4 hours duration. |  |
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| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  |  |  |
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| EXPIRATION DATE(S) FOR APPROVED RATES |  |  |  |
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| GROUP POLICIES | See previous comments |  |  |
| Extra-Territorial Approval Authority |  |  |  |
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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 establishes the procedures to make and file loss cost filings with this agency |  |
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| LOSS RATIO STANDARDS | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | If the company is requesting a rate increase but their *permissible loss ratio* is higher than their *loss ratio*, the rate increase any not justified. |  |
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| 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) | Please see “suspensions” and “notices” when midterm changes are not at the request of the policyholder |  |
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| PREMIUM REFUND OR RETENTION | [K.S.A. 40-2,112](https://www.ksrevisor.org/statutes/chapters/ch40/040_002_0112.html)  [K.S.A. 40-3118(k)](https://www.ksrevisor.org/statutes/chapters/ch40/040_031_0018.html) | Any unearned premium must be sent to the consumer with the cancellation notice. |  |
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| PRICING | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html)  [K.S.A. 40-953](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0053.html) | Pursuant to K.S.A. 40-955, companies should support and justify all new and revised factor and premium changes. Pursuant to K.S.A. 40-953, all factors and premiums must be justified and clarified how they were not derived in a way that is inadequate, excessive, or unfairly discriminatory. |  |
| Charges | [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) | Charges must be supported and justified with premium, loss or expense data and meet public policy concerns |  |
| Minimum Premium Rules |  |  |  |
| Multi-tier | [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 mutually exclusive to prevent unfair rate discrimination. |  |
| Payment Plans | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html)  [K.A.R. 40-1-10](https://insurance.ks.gov/documents/department/regulations-adopted/article-1/40-1-10.pdf) | This statute requires that payment plans be on file with this agency. |  |
| 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. |  |
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| 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 |  |
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| RATING PLAN REQUIREMENTS |  |  |  |
| 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 |  |  |  |
| RATE, RULE, RATING PLAN, CLASSIFICATION, AND TERRITORY FILING REQUIREMENTS |  |  |  |
| Wrap-up Rating |  |  |  |
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| RATE/LOSS COST SUPPORTING INFORMATION | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Pursuant to K.S.A. 40-955, all new and revised rating factors, variables, and premiums must be complimented with actuarial justification for those proposed changes to a rating program. |  |
| Competition |  |  |  |
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| REVIEW REQUIREMENTS |  |  |  |
| Expenses | [K.S.A. 40-954](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0054.html) | The company must provide expense data to support and justify. This applies to all rate and loss cost filings. |  |
| Experience | [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. If a company chooses to adjust its territories, we require a map of the changes. |  |
| Judgment |  |  |  |
| Credibility AND Other Factors |  |  |  |
| Profit Loading | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Profit load must be reasonable. |  |
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| 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. |  |
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| SYMBOLS | [K.S.A. 40-955](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Symbols are considered rates and rating factors and must be on file. This requirement does not apply if the company is affiliated with a rating organization and the rating organization has the authority to file on the company’s behalf. Please be advised that if a company uses Insurance Services Office’s liability symbols that these are not filed on behalf of any company. A company must file these symbols even if Insurance Services Office has filing authority for the company. |  |
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| 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. If a company chooses to adjust its territories, we require a map of the changes. |  |
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| TRENDING | [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. If a company chooses to adjust its territories, we require a map of the changes. |  |
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| OTHER - VIOLATIONS | [K.S.A. 8-285](https://www.ksrevisor.org/statutes/chapters/ch08/008_002_0085.html) | This statute establishes the major moving violations for this state. A violation not appearing on this list should be treated as a minor or intermediate violation for assigning points. |  |