|  |  |  |  |
| --- | --- | --- | --- |
| LINE OF BUSINESS: | **Surety** | LINE(S) OF INSURANCE | CODES |
|  |  | Surety | 24.0000 |
|  |  |  |  |
| Code: | 24.0000 |  |  |
|  |  |  |  |
|  |  |  |  |
| IF CHECKLIST IS NOT APPLICABLE, PLEASE EXPLAIN: |  |  |
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| REVIEW REQUIREMENTS | REFERENCE | DESCRIPTION OF REVIEWSTANDARDS REQUIREMENTS | LOCATION OF STANDARD IN FILING |
| --- | --- | --- | --- |
| GENERAL REQUIREMENTSFOR ALL FILINGS |  |  |  |
|   |  |  |  |
| COPIES, RETURN ENVELOPES, ETC. |  |  |  |
|   |  |  |  |
| COVER LETTER AND EXPLANATORY MEMORANDUM |  |  |  |
|   |  |  |  |
| Effective Date Wording | [K.S.A. 40-955(i)](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) | Surety rates and rating rules are exempt from rate filing requirements. Form filings shall be effective on filing unless disapproved within 30 days. |  |
|   |  |  |  |
| FILING SUBMISSION |  |  |  |
|   |  |  |  |
| FREE CONTRACT PROHIBITED |  |  |  |
|   |  |  |  |
| HIGHLY PROTECTED RISKS |  |  |  |
|   |  |  |  |
| LIMITATIONS/RESTRICTIONS ON TRANSACTING BUSINESS  |  |  |  |
|   |  |  |  |
| 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 for the coverage being offered, usually at least fidelity, surety and forgery bond authority. |  |
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| NAIC # |  |  |  |
|   |  |  |  |
| NO FILE OR FILING EXEMPTIONS | [K.S.A. 40-955(i)](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0055.html) | Surety rates and rules are exempt from filing requirements. |  |
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| THIRD PARTY FILERS AUTHORITY |  |  |  |
|   |  |  |  |
| TRANSACTING OTHER BUSINESS  |  |  |  |
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| FORMS⎯POLICYPROVISIONS |  |  |  |
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| 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) | Insurers must file applications only if they bind coverage |  |
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| APPRAISALS |  |  |  |
|   |  |  |  |
| ARBITRATION |  |  |  |
|   |  |  |  |
| 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. 40-1-32K.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. |  |
| 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. |  |
|   |  |  |  |
| 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). |  |
|   |  |  |  |
| 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.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) | 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 thename of an insurance company that is “unauthorized” to transactbusiness in Kansas. May use an endorsement to “delete” anunauthorized company. “Unauthorized” means not licensed or does not have program in question filed.Addresses prohibition of advertising on forms. |  |
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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. |  |
|   |  |  |  |
| 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 |  |  |  |
| Domestic Abuse |  |  |  |
|   |  |  |  |
| DUTY TO DEFEND |  |  |  |
|   |  |  |  |
| EXCESS COVERAGE |  |  |  |
|   |  |  |  |
| EXCLUSIONS & LIMITATIONS |  |  |  |
| Asbestos |  |  |  |
| Lead |  |  |  |
| Mold |  |  |  |
| Terrorism |  |  |  |
| Windstorm |  |  |  |
|   |  |  |  |
| 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. |  |
|   |  |  |  |
| LIBERALIZATION CLAUSE |  |  |  |
|   |  |  |  |
| LIMITS |  |  |  |
|   |  |  |  |
| LOSS PAYEE |  |  |  |
|   |  |  |  |
| 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 timeframe for legal actions. |  |
| Arbitration |  |  |  |
| 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 pay a claim within 30 days, or the company will have to pay interest penalties. |  |
| Appraisal |  |  |  |
|   |  |  |  |
| MORTGAGEE/LIENHOLDER |  |  |  |
|   |  |  |  |
| ORDINANCE/LAW PROVISIONS |  |  |  |
|   |  |  |  |
| 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. |  |
|   |  |  |  |
| PERSONAL INJURY PROTECTION |  |  |  |
|   |  |  |  |
| POLICY MUST CONTAIN ENTIRE CONTRACT |  |  |  |
|   |  |  |  |
|  PREMIUM AUDIT |  |  |  |
|   |  |  |  |
| PREMIUM REFUND | [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. |  |
|   |  |  |  |
| 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 are prohibited except for insured being vicariously liable. |  |
|   |  |  |  |
| 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 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. |  |
|   |  |  |  |
| TIMELINESS |  |  |  |
|   |  |  |  |
| WATER/SEWER BACK-UP |  |  |  |
|   |  |  |  |
| VALUED POLICIES | [K.S.A. 40-905](https://www.ksrevisor.org/statutes/chapters/ch40/040_009_0005.html) | Value policy law. |  |
|   |  |  |  |
| 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 K.S.A. 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) | Surety rates and rules are exempt from filing requirements. |  |
| INDIVIDUAL RISK RATING |  |  |  |
|   |  |  |  |
| ACTUARIAL CERTIFICATIONS FOR RATES |  |  |  |
|   |  |  |  |
| ADOPTIONS OF RATE SERVICE ORGANIZATIONS (RSO) FILINGS |  |  |  |
| Loss Costs |  |  |  |
|   |  |  |  |
| CONSENT-TO-RATE |  |  |  |
|   |  |  |  |
| CREDIT SCORING AND REPORTS |  |  |  |
|   |  |  |  |
| CATASTROPHE HAZARDS |  |  |  |
|   |  |  |  |
| CREDIBILITY AND OTHER FACTORS |  |  |  |
|   |  |  |  |
| DEFENSE COSTS |  |  |  |
|   |  |  |  |
| DISCOUNTS |  |  |  |
|   |  |  |  |
| EXPIRATION DATE(S) FOR APPROVED RATES |  |  |  |
|   |  |  |  |
| GROUP POLICIES |  |  |  |
|  Extra-Territorial Approval Authority |  |  |  |
|   |  |  |  |
| REVIEW REQUIREMENTS |  |  |  |
|  |  |  |  |
| LOSS RATIO STANDARDS |  |  |  |
|   |  |  |  |
| MID TERM CHANGES |  |  |  |
|   |  |  |  |
| LOSS COST MULTIPLIERS |  |  |  |
|   |  |  |  |
| PREMIUM REFUND OR RETENTION |  |  |  |
|   |  |  |  |
| PRICING |  |  |  |
| Charges |  |  |  |
| Minimum Premium Rules |  |  |  |
| Multi-tier |  |  |  |
| Payment Plans |  |  |  |
| Premiums |  |  |  |
| Service Charges |  |  |  |
| Surcharges |  |  |  |
| Other Fees |  |  |  |
|  |  |  |  |
| RATE RANGES |  |  |  |
|   |  |  |  |
| RATING PLAN REQUIREMENTS |  |  |  |
| Expense Modification Plan |  |  |  |
| Experience Rating |  |  |  |
| IRPM |  |  |  |
| Large Deductible |  |  |  |
| Retrospective Rating |  |  |  |
| Schedule Rating |  |  |  |
| Small Deductible |  |  |  |
| Wrap-up Rating  |  |  |  |
|   |  |  |  |
| RATE/LOSS COST SUPPORTING INFORMATION |  |  |  |
| Competition |  |  |  |
|  |  |  |  |
| REVIEW REQUIREMENTS |  |  |  |
| Expenses |  |  |  |
| Experience |  |  |  |
| Judgment |  |  |  |
| Credibility |  |  |  |
| Profit Loading |  |  |  |
|   |  |  |  |
| RETURN ON EQUITY/INVESTMENT INCOME |  |  |  |
|   |  |  |  |
| RISK CLASSIFICATION |  |  |  |
|   |  |  |  |
| SUPPORTING DATA |  |  |  |
|   |  |  |  |
| TRENDING  |  |  |  |
|   |  |  |  |
| OTHER | [K.A.R. 40-3-32(a)](https://insurance.ks.gov/documents/department/regulations-adopted/article-3/40-3-32.pdf)  | (a) Bond forms. Bonds that cannot practicably be filed before they are used shall not be required to be filed with the commissioner if they are required by any of the following: (1) Law; (2) court order; or (3) any federal, state, or municipal government or agency. |  |