

**REPORT OF MARKET CONDUCT EXAMINATION**

**UNIVERSAL UNDERWRITERS INS. CO.**

**NAIC # 41181**

**FEIN # 43-1249228**

**ZURICH INS. GROUP # 212**

**AS OF**

**JUNE 30, 2007**

**BY**

**KANSAS INSURANCE DEPARTMENT**

**ETS# KS023- M30**

## TABLE OF CONTENTS

<b><u>SUBJECT</u></b>	<b><u>PAGE NO.</u></b>
TABLE OF CONTENTS	2
SALUTATION	3
PURPOSE AND SCOPE OF REVIEW	4
EXECUTIVE SUMMARY	5
DESK EXAMINATION/ON SITE EXAMINATION	7
COMPANY OVERVIEW	7
COMPANY OPERATIONS/MANAGEMENT	9
COMPLAINT HANDLING	9
UNDERWRITING AND RATING	10
SUMMARIZATION	13
CONCLUSION	14

Honorable Sandy Praeger  
Insurance Commissioner  
Kansas Insurance Department  
420 SW Ninth Street  
Topeka, KS 66612

Dear Commissioner Praeger:

In accordance with your respective authorization, and pursuant to K.S.A. 40-222, a market conduct examination has been conducted on the business affairs of:

Universal Underwriters Ins. Co

7045 College Blvd

Overland Park, KS 66211-1523

hereafter referred to as “UUIC” or “the Company”, and the following report of such examination is respectfully submitted,

Lyle Behrens, CPCU, CIE, FLMI, ARM, AR  
Market Conduct Supervisor  
Examiner in Charge

## **PURPOSE AND SCOPE OF REVIEW**

A targeted market conduct examination of UUIIC was conducted pursuant to, but not limited to, K.S.A. 40-222. The exam team reviewed underwriting files, company action plans and complaints to determine if the Company was in compliance with the Department's order issued in 2005 as a result of the 2005 market conduct exam. The exam focused on the Company's compliance with applicable statutes, regulations and bulletins of the State of Kansas.

The audit was conducted according to the guidelines and procedures recommended in the NAIC Market Regulation Handbook 2006 (Handbook). The exam team utilized the standards and tests recommended in the Handbook. An acceptable tolerance standard per the Handbook of 10% was used for those areas under review. The examination report is a report written by test rather than a report written by exception. This means all standard tests are described and results indicated.

The testing and file review for the Company's underwriting and rating practices consisted of several samplings from the Company's corporate headquarters in Overland Park, KS.

The examination included a review of the Company's underwriting and complaint files from January 1, 2006 to June 30, 2007.

General topics were covered in Interrogatories submitted to the Company for their written response. Subjects covered were Complaints and Underwriting processing, training and monitoring programs. The responses received addressed the issues presented.

The examination included, but was **not limited to the following:**

### COMPANY OVERVIEW

History

Prior Market Conduct Examination Reports

Internal Audit Procedures

### COMPLAINT HANDLING

Record Keeping

Timely Response

### UNDERWRITING & RATING

Proper Rating

Underwriting Acceptance/Termination

Use of Appropriate Forms

Promptness of Policy Issuance

Proper Maintenance of Underwriting Files

## **EXECUTIVE SUMMARY - 2007 Report**

The Kansas Insurance Department, hereafter referred to as KID, performed a targeted market conduct examination of UUIC. This targeted exam was a follow-up to a 2005 market conduct exam where certain deficiencies were identified, and the company was subsequently ordered to make restitution to certain policyholders and implement changes in their rating and underwriting practices.

The exam team reviewed UUIC general operations, underwriting, and complaint files in the Company's home office in Overland Park, KS. A series of meetings were held with UUIC staff that focused on their current operations. To supplement and verify the understanding of how the company currently is doing business, a several samples were selected for review to verify their procedures and practices in underwriting and rating.

The company passed all rating and underwriting tests, and the examiners were impressed with the overall positive and very professional performance by the UUIC staff and management.

**The following 2005 recommendations were the focus of the 2007 targeted exam.**

### Company Operations/Management 2005 Report

1. The exam team recommended UUIC present to KID a plan to monitor their policy rating and issuance systems to insure that UUIC is in compliance with K.S.A. 40-955 and K.A.R. 40-3-12.

UUIC had presented a strategy to the KID in 2005 to correct the rating errors and had presented to KID an action plan to remedy this deficiency. The Company provided documentation that the plan had been implemented, and the file review in 2007 confirmed the company completed this recommendation.

### Underwriting 2005 Report

1. UUIC presented a plan to KID on how the Company was going to refund the over charge to their customers that occurred from the mis-application of the ERP factor.

This was verified by a sample review of refund checks.

2. UUIC provided KID with a plan to insure that the ERP & IRPM worksheets are in the underwriting files to conform of K.A.R. 40-3-12.

The Company provided documentation that the plan had been implemented and the file review in 2007 confirmed the company completed this recommendation.

3. UUIC provided KID with a plan to insure that their cancellation notices show the correct policy number to conform to K.S.A. 40-216.

The Company provided documentation that the plan had been implemented and the file review in 2007 confirmed the company completed this recommendation.

### **Recommendations 2007 report**

While the rating and underwriting portion of the review produced no future recommendations, the exam team has recommendations on several complaint handling issues:

1. The Company should review its procedures to insure they are following KID Bulletin 2001-6 regarding the identification of the specific underwriting company and respective NAIC code in its final response to the Department on all complaints.
2. UUIC should consider identifying a person locally to be the contact person with KID for all complaints. This would cut down the mail time to Schaumburg, IL where all Department complaints are now initially sent for a company response.

## DESK EXAMINATION/ON-SITE EXAMINATION

### COMPANY OVERVIEW

#### History and Profile

##### History - UUIC

In February 1982 UUIC was acquired by Zurich Holding Company of America, and UUIC has operated as part of the Zurich North America Group. UUIC corporate headquarters are in Overland Park, KS and supports 27 regional offices nationwide, each staffed with sales, claims and underwriting staff.

In January 2007, UUIC announced that the company was adopting the Zurich brand name in a further step of its ongoing integration with Zurich North America Commercial. The legal entity is still Universal Underwriters Insurance Company. The company still maintains its Commercial divisions:

##### UUIC's Divisions

###### - Dealer Division

The Dealer Division provides specialized property and casualty insurance to franchised automobile, truck, motorcycle, and equipment dealerships. In addition the division offers a full line of finance and insurance products to automobile dealers.

The Dealer Division underwrites, processes and services policies issued to Kansas risks from their Kansas City Regional Office located in Kansas City, MO. Claims are also processed out of that office.

###### - ASM Division

The Automotive e Specialty Markets(ASM) Division concentrates on customized protection for automotive-related businesses, including retail and wholesale parts businesses, service and repair facilities, collision repair centers and tire stores.

Policies for Kansas Risks insured by the ASM Division are underwritten, processed and serviced by the ASM Regional Office that is located in UUIC's home office. Claims are processed out of the Kansas City Regional Office.

###### - SAS Special Account Services

Special Account Services (SASD) partners with the Dealer and ASM Divisions to offer loss-sensitive solutions to qualified customers. Designed for large multi-location businesses, SAS products and services include loss-sensitive programs, specialized risk management services, multi-location underwriting and policy issuance, and centralized account management.

SASD also handle special association accounts. This program is serviced in UUIC's home office.

### Prior Market Conduct Exams

As a result of the 2005 Kansas market conduct exam, KID made the following recommendations to UUIC:

#### Company Operations/Management

1. There was no follow up by the Company on its 2001 audit report and there was no systematic review schedule by UUIC of their field operation during the exam period. Given the large number of rating errors found in the exam (See Underwriting Standard 1) and no ongoing audit program conducted on their field office, the exam team recommends UUIC present to KID a plan to monitor their policy rating and issuance systems to insure that UUIC is in compliance with K.S.A. 40-955 and K.A.R. 40-3-12. UUIC has already drawn up a strategy to correct the rating errors and has presented to KID an action plan to remedy this deficiency.
2. The exam team recommends that a targeted follow up exam be completed in 18 months to insure that UUIC has taken the necessary steps to correct the problem of not using justified ERP factors for their Unicover V business and properly monitor their compliance per K.S.A. 40-222.

#### Underwriting

1. Within 30 Days UUIC must present a plan to KID on how the Company is going to refund the over charge to their customers that occurred from the mis-application of the ERP factor. This is to correct the violation of K.A.R. 40-3-12 (3)(b)(2). UUIC has presented a plan to KID to issue premium refunds to those Kansas Insureds whose policies were issued with the incorrect ERP factor.
2. Within 30 days UUIC must review their procedures and provide KID with a plan to insure that the ERP & IRPM worksheets are in the underwriting files to conform of K.A.R. 40-3-12. UUIC has incorporated this item into their action plan that was addressed in the Company/Management Operations Recommendation #1.
3. Within 30 days UUIC must review their procedures to insure that their cancellation notices show the correct policy number to conform to K.S.A. 40-216. UUIC has presented to KID their action plain to correct this issue.
4. Within 30 days UUIC must file a revision to End – Unicover V State Amendatory Part (1-02) to conform to the court's interpretation of K.S.A. 5-401.



UUIC has filed a revision to their forms to conform to the courts interpretation of K.S.A. 5-401.

### Internal Audits

UUIC provided documentation that their audit/review program consisted of reviews by Zurich Internal Audit Department, UUIC's Tech Center and individual department's self reviews.

## **COMPANY OPERATIONS/MANAGEMENT**

### **Standard 1**

The regulated entity has an up-to-date, valid internal or external audit program.

The Company provided KID with documentation to indicate that they have ongoing monitoring and audit programs in place for their business.

### **Standard 7**

Records are adequate, accessible, consistent and orderly and comply with state record retention requirements. K.S.A. 40-222 (a), (b), (c) & (g)

Files provided by the Company were adequate, accessible, consistent and orderly. There was documentation in file for the writing and rating of their business.

### **Standard 9**

The regulated entity cooperates on a timely basis with examiners performing the examinations. K.S.A. 40-222 (c) & (g)

The Company cooperated with the exam team and provided the requested information in a timely fashion.

## **COMPLAINT HANDLING**

### **Standard 1**

All complaints are recorded in the required format on the company complaint register. K.S.A. 40-2404 (10)

The claim information is retained on Zurich's complaint database, and the Company was able to provide a log of complaints to meet the required format per K.S.A. 40-2404 (10).

### **Standard 2**

The regulated entity has adequate complaint handling procedures in place and communicates such procedures to policyholders. K.A.R. 40-1-34, Sections. 5(a) & 6,

The Company has written procedures in place for the handling of state insurance department, state or federal agency, Better Business Bureau or other regulatory authority complaints

**Standard 3**

The regulated entity takes adequate steps to finalize and dispose of the complaint in accordance with applicable statutes, rules and regulations, and contract language. K.A.R. 40-1-34, 6 & KID Bulletin 2001-6

Initially there were 4 complaints on KID’s complaint database for UUIIC. While one was determined to be a subsidiary of UUIIC, two of the four original complaint responses did not identify the specific company or NAIC code for that company. KID issued bulletin 2001-6 on 11/27/01 instructing companies responding to complaints that they needed to identify the specific underwriting company and NAIC code for that company.

**Standard 4**

The time frame within which the company responds to complaints is in accordance with applicable statutes, rules and regulations. K.A.R. 40-1-34, Sections 6, & 8(a)(c)

While not specifically identified as an error; the time from when KID sent the initial notification of a complaint to the Company took 2 weeks before it was date stamped as received by the Company.

**Recommendation:**

1. The Company should review it’s procedures to insure they are following KID Bulletin 2001-6 regarding the identification of the specific underwriting company and respective NAIC code in its final response to the Department on all complaints.
2. UUIIC should consider identifying a person locally to be the contact person with KID for all complaints. This would cut down the mail time to Schaumburg, IL where all Department complaints are now initially sent for a company response.

**STANDARDS FOR UNDERWRITING & RATING**

**1. General Underwriting & Rating Standards**

**Standard 1: Rating Practices**

The rates charged for the policy coverage are in accordance with filed rates (if applicable) or the company rating plan. K.S.A 40- 955

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
New Business	24	0	100%
New Business	26	0	100%

The Company Passed Standard #1.

**Standard 2: Rating Practices**

All mandated disclosures are documented and in accordance with applicable statutes, rules and regulations K.S.A. 40-955

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
New Business	24	0	100%
New Business	26	0	100%

The Company Passed Standard #2.

**Standard 3: Rating Practices**

Regulated entity does not permit illegal rebating, commission cutting or inducements.

While this standard was not specifically tested for, any activity of this type that was observed by the examiner would have been noted. KID found no such activities in the files reviewed.

**Standard 5: Underwriting Practices**

All forms and endorsements forming a part of the contract are listed on the declaration page and should be filed with the department of insurance (if applicable). K.S.A. 40-216

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
New Business	24	0	100%
New Business	26	0	100%

The Company Passed Standard #5.

**Standard 8: Termination Practices**

Cancellation/non-renewal, discontinuances and declination notices comply with policy provisions and state laws and regulated entity guidelines.

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
Cancellations	12	0	100%

The Company Passed Standard #8.

**2. P&C Underwriting & Rating Standards**

**Standard 1: Rating Practices**

Credits and deviations are consistently applied on a non-discriminatory basis. K.S.A. 40-953

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
New Business	24	0	100%
New Business	26	0	100%

The Company Passed Standard #1.

**Standard 2: Rating Practices - Commercial P & C**

Schedule rating or individual risk premium modification plans, where permitted, are based on objective criteria with usage supported by appropriate documentation. K.A.R. 40-3-32(d), K.A.R. 40-3-12, K.S.A. 40-953 & K.S.A. 954

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
New Business	24	0	100%
New Business	26	0	100%

The Company Passed Standard #2.

**Standard 3 Rating Practices - Commercial P & C**

Verification of use of the filed expense multipliers; the regulated entity should be using a combination of loss costs and expense multipliers filed with the Department of Insurance. K.A.R. 40-3-32(d), K.A.R. 40-3-12, K.S.A. 40-953 & K.S.A. 40-954

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
New Business	24	0	100%
New Business	26	0	100%

The Company Passed Standard #3.

**Standard 8 - Rating Practices**

Underwriting, rating and classification are based on adequate information developed at or near inception of the coverage rather than near expiration, or following a claim.

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
New Business	24	0	100%
New Business	26	0	100%

The Company Passed Standard #8.

**Standard 11: Underwriting Practices**

All forms and endorsements forming a part of the contract are listed on the declaration page and should be filed with the department of insurance (if applicable). K.S.A. 40- 216

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
New Business	24	0	100%
New Business	26	0	100%

The Company Passed Standard #11.

**Standard 16: Termination Practices**

Cancellation/non-renewal notices comply with policy provisions and state laws, including the amount of advance notice provided to the insured and other parties to the contract. See Cancellation & Non Renewal Laws

<u>Type</u>	<u>Sample</u>	<u>Errors</u>	<u>%Pass</u>
Cancellations	12	0	100%

The Company Passed Standard #16.

**SUMMARIZATION**

The following 2005 recommendations were the focus of the 2007 targeted exam. UUIC complied with all the items in the KID order regarding the 2005 Market Conduct Exam issues.

**Company Operations/Management 2005 Report**

1. The exam team recommended UUIC present to KID a plan to monitor their policy rating and issuance systems to insure that UUIC is in compliance with K.S.A. 40-955 and K.A.R. 40-3-12.

UUIC had presented a strategy to the KID in 2005 to correct the rating errors and had presented to KID an action plan to remedy this deficiency.

The Company provided documentation that the plan had been implemented and the file review in 2007 confirmed the company completed this recommendation.

**Underwriting 2005 Report**

1. UUIC presented a plan to KID on how the Company was going to refund the over charge to their customers that occurred from the mis-application of the ERP factor.

This was verified by a sample file of refund checks.

2. UUIC provided KID with a plan to insure that the ERP & IRPM worksheets are in the underwriting files to conform of K.A.R. 40-3-12.

The Company provided documentation that the plan had been implemented and the file review in 2007 confirmed the company completed this recommendation.

3. UUIC provided KID with a plan to insure that their cancellation notices show the correct policy number to conform to K.S.A. 40-216.

The Company provided documentation that the plan had been implemented and the file review in 2007 confirmed the company completed this recommendation.

**Recommendations 2007 Report**

1. The Company should review it's procedures to insure they are following KID Bulletin 2001-6 regarding the identification of the specific underwriting company and respective NAIC code in its final response to the Department on all complaints.
2. UUIC should consider identifying a person locally to be the contact person with KID for all complaints. This would cut down the mail time to Schaumburg, IL where all Department complaints are now initially sent for a company response.

**CONCLUSION**

I would like to acknowledge the cooperation and courtesy extended to the examination team by Susan Crewz and the staff of the Universal Underwriters Insurance Co.

The following examiners of the Office of the Commissioner of Insurance in the State of Kansas participated in the review:

**Market Conduct Division**

Lyle Behrens	Martin Hazen
Supervisor	Policy Examiner
Market Conduct Unit	P&C Division

Respectfully submitted,

---

Lyle Behrens, CPCU, CIE, FLMI, ARM, ARe