State of Utah **Administrative Rule Analysis**

Revised June 2022

	NOTICE OF PROPOSED RULE	
TYPE OF RULE: New; Amendment	_x_; Repeal; Repeal and Reenact _	
	Title No Rule No Section No.	
Rule or Section Number:	R590-225	Filing ID: Office Use Only

	Agen	cy Information
1. Department:	Insurance	
Agency:	Administration	
Room number:	Suite 2300	
Building:	Taylorsville State	Office Building
Street address:	4315 S. 2700 W.	
City, state and zip:	Taylorsville, UT 8	4129
Mailing address:	PO Box 146901	
City, state and zip:	Salt Lake City, U7	Г 84114-6901
Contact persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov
Please address of	μuestions regardiι	ng information on this notice to the agency.

General Information

2. Rule or section catchline:

R590-225. Submission of Property and Casualty Rate and Form Filings

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The rule is being changed in compliance with Executive Order 2021-12. During the review of this rule, the department discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

The majority of the changes are being done to fix style issues to bring the rule text more in line with current rulewriting standards. Other changes make the language of the rule more clear, remove the Penalties and Effective Date sections, and update the Severability section to use the department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the department functions.

B) Local governments:

There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):

There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an *agency*):

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

	Re	egulatory Impact Table	
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Commissioner of Insurance, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory auticitation to that requirement:	thority for the rule. If there is also a fede	eral requirement for the rule, provide a
Section 31A-2-201	Section 31A-2-201.1	Section 31A-2-202
Section 31A-19a-203		

Incorporations by Reference Information

A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

Official Title of Materials Incorporated	
(from title page)	
Publisher	
,	

	ssue Date				
Issue o	r Version				
	Public N	otice	Information		
8. The public may submit written hearing by submitting a written rev	en or oral comments to t	he aç	gency identifi	ed	in box 1. (The public may also request and definition of the public may also request and definition of the public may also request and definition of the public may be set the public may be set to be set the public may be set to be set the public may also request and the public may be also request
A) Comments will be accepted	• • •	OCCI	011 000-0-002		1/03/2023
B) A public hearing (optional) v				- 1-	
On (mm/dd/yyyy):	At (hh:mm AM/	PM):		Α	t (place):
				T	
				T	
				T	
				T	
9. This rule change MAY becom	ne effective on:		01/10/2023	3	
NOTE: The date above is the date	e the agency anticipates m	naking	g the rule or its	s ch	anges effective. It is NOT the effective d
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To the agency: Information room	Agency Auth				-301, 302, 303, and 402. Incomplete for
					Jtah State Bulletin and delaying the first
Agency head or Steve Good	ch, Public Information Offi	cer	Date:		11/04/2022
00. Insurance, Administration.	and Casualty Rate and		n Filings.		
00. Insurance, Administration. 00-225. Submission of Property 00-225-1. Authority.	the [insurance]commission	Form	J	ctio	ns <u>31A-2-201,</u> 31A-2-201.1 <u>, 31A-2-202</u>
20. Insurance, Administration. 20-225. Submission of Property 20-225-1. Authority. This rule is promulgated by 10-19a-203[, and Subsections 31A-19a-203]. 20-225-2. Purpose and Scope. (1) The purpose of this rule (a) property and casualty an (b) property and casualty an (c) service contract form filing (d) bail bond form filings [#	the [insurance] commission 2-201(3) and 31A-2-202(2) is to set forth procedures dittle form filings [required title rates, and supplementings [required by-]under_Section waiver filings [required title required by-]under_Section waiver filings [required by-]under_Section waiver filin	Formoner properties of the survey of the sur	bursuant to Secution 31A-6a-35-607 and R	on 3 und 103 Rule ns 3	1A-21-201; ler Section 31A-19a-203; (2);[-and] R590-196[<u>-]; and</u> 1A-6b-202 and 31A-6b-203.
20. Insurance, Administration. 20-225. Submission of Property 20-225-1. Authority. This rule is promulgated by 10-225-2. Purpose and Scope. (1) The purpose of this rule (a) property and casualty an (b) property and casualty an (c) service contract form fili (d) bail bond form filings [# (e) guaranteed asset protecti (2) This rule applies to [all I (a) title insurance[,-]; (b) bail [bond,]bonds; (c) service contracts[,-]; and (d) guaranteed asset protecti	the [insurance] commission 2-201(3) and 31A-2-202(2) is to set forth procedures detitle form filings [required title rates, and supplementings [required by-]under Section waiver filings [required by-]under Section waivers.	Formoner properties of the survey of the sur	bursuant to Secution 31A-6a-35-607 and R	on 3 und 103 Rule ns 3	1A-21-201; ler Section 31A-19a-203; (2);[-and] R590-196[<u>-]; and</u> 1A-6b-202 and 31A-6b-203.
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20. Insurance, Administration. 20-225. Submission of Property 20-225-1. Authority. This rule is promulgated by a 1-19a-203[, and Subsections 31A-20-203-203], and Subsections 31A-20-225-2. Purpose and Scope. (1) The purpose of this rule (a) property and casualty an (b) property and casualty an (c) service contract form fility (d) bail bond form filings [a 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	the [insurance] commission 2-201(3) and 31A-2-202(2) is to set forth procedures detitle form filings [required title rates, and supplement ings [required by]under Section ion waiver filings [required ings [required by]under Section ion waiver filings [required ings [required ings]each line of property ion waivers. In that the documents described or you may adapt them size, font, and format must mis are hereby incorporate y and Casualty Transmitted.	Formoner properties of the second sec	bursuant to Secution 31A-6a-35-607 and Radiunder Section casualty insurant this rule shape our word processimilar.	on 3 und 103 Rule ns 3 rand	ler Section 31A-19a-203; (2);[and] R590-196[-]; and 1A-6b-202 and 31A-6b-203. be, including; be used for all filings. ling system. available on the department's website, linearly 1, 2019;

R590-225-4. |Definitions.

[In addition to the definitions in Sections 31A 1 301 and 31A 19a 102, the following definitions shall apply for the purpose of this rule] Terms used in this rule are defined in Sections 31A-1-301 and 31A-19a-102. Additional terms are defined as follows:

(c) "Utah Insurer Loss Cost Multiplier and Expense Constant Supplement Filing Forms", dated April 2017; and

(d) "Utah Workers Compensation Insurer Loss Cost Multiplier Filing Form", dated April 2017.

- (1) "Certification" means a statement that the filing being submitted is [in compliance with Utah laws and rules]compliant.
- (2) "Compliant" means a filing complies with:
- (a) Title 31A, Utah Insurance Code;
- (b) Title R590, Administration; and
- (c) Title R592, Title and Escrow Commission.
- (3) "Electronic [F]filing" means a:
 - (a) filing submitted [via the Internet by-]using the System for Electronic Rate and Form Filings, SERFF[5]; or
 - (b) filing submitted [via-]using an email system.
- [(3) "File And Use"](4) "File and use" means a filing [can be]is used, sold, or offered for sale after it [has been]is filed with the department.
- [(4) "File Before Use"](5) "File before use" means a filing [ean be] is used, sold, or offered for sale after it [has been] is filed with the department and a stated period [of time] has elapsed from the date filed.
 - [(5)](6) "Filer" means a person who submits a filing.
- [(6) "Filing Objection Letter"](7) "Filing objection letter" means a letter issued by the commissioner when a review [has determined-]determines the filing [fails to comply with Utah law and rules. The filing objection letter may, in addition to requiring]is not compliant and may require:
 - (a) correction of non-compliant items[, request]:
 - (b) clarification; or
- (c) additional information pertaining to the filing.
- [(7)](8) "Letter of authorization" means a letter signed by an officer of the <u>licensee giving authority to the filer to submit a</u> filing on behalf of the licensee[-on whose behalf the filing is submitted that designates filing authority to the filer].
 - (9) "Licensee" means an insurer, a bail bond agency, a service contract provider, or a guaranteed asset protection provider.
- [(8) "Order to Prohibit Use"](10) "Order to prohibit use" means an order issued by the commissioner [that prohibits] prohibiting the use of a filing.
 - (11) "RSO" means rate service organization.
 - [9](12) "Rejected" means a filing is:
 - (a) not [submitted in accordance with applicable laws and rules] compliant;
 - (b) returned to the filer [by the department with-]stating the reason[s] for rejection; and
 - (c) not considered filed with the department.
- [(10) "Type of Insurance" means a specific line of property and casualty insurance including general liability, commercial property, workers compensation, automobile, homeowners, title, bail bond, service contracts, and guaranteed asset protection waivers.](13) "Type of insurance" or "TOI" means a specific line of property and casualty insurance including:
 - (a) general liability;
 - (b) commercial property;
- (c) workers compensation;
 - (d) automobile;
- (e) homeowners;
 - (f) title;
- (g) bail bonds;
 - (h) service contracts; and
 - (i) guaranteed asset protection waivers.
- [(11) "Use And File"](14) "Use and file" means a filing [ean be-] is used, sold, or offered for sale if it is filed within a stated period [of time-] after its initial use.
- [(12) "Utah Filed Date"](15) "Utah filed date" means the date provided to a filer by the [Utah Insurance Department that indicates-|department indicating a filing [has been-] is accepted.

R590-225-4. Forms Used in a Filing.

- (1) The documents identified in this section shall be used for each filing.
- (a) An actual copy or a created version may be used.
- (b) If created, the content, size, font, and format shall be similar to the actual copy.
- (2) The following filing forms shall be used and are available on the department's website, https://insurance.utah.gov:
- (a) NAIC Uniform Property and Casualty Transmittal Document, dated January 1, 2020;
- (b) NAIC Uniform Property and Casualty Coding Matrix, dated January 1, 2021;
- (c) Utah Insurer Loss Cost Multiplier and Expense Constant Supplement Filing Forms, dated April 2017; and
- (d) Utah Workers Compensation Insurer Loss Cost Multiplier Filing Form, dated April 2017.
- (3) If the dated version of a form in Subsection (2) is unavailable, a more recent version is acceptable.

R590-225-5. General Filing Information.

- [(1) Each filing submitted must](1)(a) A filing shall be accurate, consistent, complete, and contain all required documents [in order-] for the filing to be processed in a timely and efficient manner.
 - (b) The commissioner may request [any]additional information [deemed-]as necessary.
 - [(2) Licensee and filer](2) A licensee and a filer are responsible for assuring that a filing is [in compliance with Utah laws

- and rules. A filing not in compliance with Utah laws and rules is subject to regulatory action under Section 31A 2 308 compliant.
- [(3) Rates,](3) A rate filing, a form filing, and supplementary information[, and forms] applying to a specific program or product may be submitted as one filing.
 - (4) A filing that [does not comply with this rule] is not compliant will be rejected and returned to the filer.
 - (5) A rejected filing:
 - (a) is not considered filed[-with the department];
 - (b) [must]shall be submitted as a new filing; and
 - (c) [will-]may not be reopened for purposes of resubmission.
 - [(5)](6) A prior filing will not be researched to determine the purpose of the current filing.
 - [(6)](7) The department does not review [or proofread]every filing.
 - (a) A filing may be reviewed:
 - (i) when submitted;
 - (ii) [as a result of] when a complaint is received;
 - (iii) during a regulatory examination or investigation; or
 - (iv) [at any other time] when the department [deems-]considers a review necessary.
- (b) If a filing is reviewed and is not [in compliance with Utah laws and rules, A Filing Objection Letter or an Order To Prohibit Use will | compliant, a filing objection letter or an order to prohibit use shall be issued to the filer.
 - (c) The commissioner may require the licensee to disclose deficiencies in forms or rating practices to affected consumers.
 - [(7) Filing correction:](8) Correcting a Filing.
 - [(a) If the filing is](a) A correction to a filing in an open status[, corrections can] may be made at any time.
- [(b) If the filing is](b) A correction to a filing in a closed status[, a new filing is required. The filer must reference the original filing in the filing description]:
 - (i) may not be made;
 - (ii) requires a new filing; and
 - (iii) shall reference the original filing in the filing description of the new filing.
- [(8) If responding to a Response to Filing Objection Letter or an Order to Prohibit Use, refer to R590 225 13 for instructions.]
- [(9) Filing withdrawal. A filer must](9) A filer shall notify the department when withdrawing a previously filed form, rate, or supplementary information.
 - (10) A filing that is withdrawn may [no longer]not be used.

R590-225-6. Filing Submission Requirements.

- (1) All filings [must_]shall be submitted [as an electronic filing]electronically.
- (a) All filers [must]shall use SERFF to submit a filing.
- [(b) EXCEPTION: bail bond agencies](b) A bail bond agency, a service contract provider[s], and a guaranteed asset protection waiver provider[s] may [choose to]use email instead of SERFF to submit a filing.
- [(2) All rate filings](2) A rate filing for private passenger auto, homeowners, or workers compensation [type of insurance must]TOI shall include a certification signed by a qualified actuary stating that the rates are not inadequate, excessive, or unfairly discriminatory [as required by]under Subsection 31A-19a-201(1).
 - (3)(a) A filing [must]shall be submitted by market type and [type of insurance, not by]TOI.
 - (b) The annual statement line number may not be used.
- (4)(a) A filing may not include more than one [type of insurance,]TOI unless the filing is a commercial or personal interline form filing.
 - (b) The inter-line use of a form must be explained in the [Filing Description]filing description.
- (5) A filer may submit a filing for more than one insurer if [all applicable companies are listed]each insurer is listed in the filing.
 - (6) A cover letter may not be submitted with a filing.
 - (7) SERFF Filing.
- (a) Filing Description. [Do not submit a cover letter. On the General Information tab, complete the Filing Description Section with the following information, presented in the order shown below] The filing description contained on the general information tab shall contain the following information in the order shown below.
 - (i) [Certification.
- (A) The filer must] A filer shall certify that a filing [has been properly completed AND is in compliance with Utah laws and rules] is complete and compliant.
- [(B)](A) The following statement [must]shall be included in the filing description: "BY SUBMITTING THIS FILING I CERTIFY THAT THE ATTACHED FILING HAS BEEN COMPLETED IN ACCORDANCE WITH UTAH ADMINISTRATIVE RULE R590-225 AND IS IN COMPLIANCE WITH APPLICABLE UTAH LAWS AND RULES".
 - [(C)](B) A filing [will]shall be rejected if the certification is false, missing, or incomplete.
 - [(D)](C) A certification that is false may subject the licensee to administrative action.
 - [(ii) Provide a description of the filing including](ii) The filing description shall include:
 - (A) the intent of the filing; and
 - (B) the purpose of each document [within] submitted with the filing.

[(iii) Indicate](iii) The filing shall indicate if the filing:

- (A) is new;
- (B) is replacing or modifying a previous [submission; if so, describe] filing, describing the changes made, [if previously rejected] the reasons for the previous rejection, and the previous filing's Utah [Filed Date] filed date;
 - (C) includes forms for informational purposes[; if so, provide], providing the Utah [Filed Date] filed date; or
- (D) does not include the [base]policy; if so, provide the Utah [Filed Date]filed date of the base policy and describe the effect on the base policy.
- [(iv) Identify if any of the provisions are](iv) The filing shall identify if a provision is unusual, controversial, or [have]has been previously objected to[5] or prohibited, and explain why the provision is included in the filing.
 - (b) Letter of Authorization.
- (i) When the filer is not the licensee, a letter of authorization from the licensee [must]shall be attached to the [Supporting Documentation]supporting documentation tab.
 - (ii) The licensee [remains-]is responsible for [the-]a filing being [in compliance with Utah laws and rules]compliant.
 - [(c) Items being submitted for filing.](c) Items Submitted for Filing.
 - (i) All forms [must-]shall be attached to the [Form Schedule]form schedule tab.
- (ii) All rates and supplementary rating information [must]shall be attached to the [Rate/Rule Schedule]rate/rule schedule tab.
- (iii) The actuarial certification [required by R590 225 6(2) must]under Subsection (2) shall be attached to the supporting documentation tab.
- [(d) Refer](d) The filer shall refer to each applicable section of this rule for additional procedures on how to submit \underline{a} form[\underline{s}], rate[\underline{s}], [and-]or supplementary information.
- [(7) A complete EMAIL filing consists of the following when submitted by a bail bond agent, a service contract provider, or a guaranteed asset protection provider:](8) Email Filing.
 - (a) The title of the [EMAIL must display the company]email shall include the licensee's name only.
- (b) Transmittal. The NAIC Uniform Property and Casualty Transmittal Document[, as provided in R590 225 3(2), must] shall be properly completed.
- [(i) COMPLETE THE TRANSMITTAL BY USING THE FOLLOWING](i) Complete the transmittal by referencing the following:
 - (A) ["]NAIC Coding Matrix;["] and
 - (B) ["NAIC Instruction Sheet;" and
 - (C) "] Utah Property and Casualty Content Standards.["]
 - (ii) Do not submit the documents described in Subsections (8)(b)(i)(A)[, (B), and (C)] and (8)(b)(i)(B) with the filing.
- (c) Filing Description. [Do not submit a cover letter.] In section 21 of the [transmittal]NAIC Uniform Property and Casualty Transmittal Document, complete the [Filing Description]filing description with the following information, [presented] in the order shown below.
 - (i) [Certification.
- (A) The filer [must]shall certify that a filing [has been properly completed AND is in compliance with Utah laws and rules]is complete and compliant.
- [(B)](A) The following statement [must]shall be included in the filing description: "BY SUBMITTING THIS FILING I CERTIFY THAT THE ATTACHED FILING HAS BEEN COMPLETED IN ACCORDANCE WITH UTAH ADMINISTRATIVE RULE R590-225 AND IS IN COMPLIANCE WITH APPLICABLE UTAH LAWS AND RULES".
 - (C)(B) A filing [will-]shall be rejected if the certification is false, missing, or incomplete.
 - [(D)](C) A certification that is false may subject the licensee to administrative action.
 - [(ii) Provide a](ii) The filing description [of the filing including]shall include:
 - (A) the intent of the filing; and
 - (B) the purpose of each document [within-]submitted with the filing.
 - [(iii) Indicate](iii) The filing shall indicate if the filing:
 - (A) is new;
- (B) is replacing or modifying a previous [submission; if so, describe]filing, describing the changes made, [if previously rejected] the reasons for the previous rejection, and the previous filing's Utah [Filed Date] filed date; or
 - (C) includes forms for informational purposes[; if so, provide], providing the Utah [Filed Date; or]filed date.
- [(iv) Identify if any of the](iv) The filing shall identify provisions that are unusual, controversial, or have been previously objected to[5] or prohibited, and explain why the provision is included in the filing.
 - (d) Letter of Authorization.
- (i) When the filer is not the licensee, a letter of authorization from the licensee [must-]shall be attached to the supplementary documentation tab.
 - (ii) The licensee [remains] is responsible for the filing being [in compliance with Utah laws and rules] compliant.
- [(e) Refer](e) The filer shall refer to each applicable section of this rule for additional procedures on how to submit \underline{a} form[\underline{s}], rate[\underline{s}], [and]or supplementary information.
- [(f) Items being submitted for filing. Any items](f) An item submitted for filing [must be submitted]shall be in PDF format.

R590-225-7. Procedures for Form Filings.

- (1) Forms in [general:]General.
- (a) Forms are ["File And Use"]file and use filings.[-EXCEPTION: service-]
- (b) Service contracts, bail bonds, and guaranteed asset protection waivers are ["File Before Use"] file before use filings.
- [(b)](c) Each form [must-]shall be identified by a unique form number[. The form number-] that may not be variable.
- $\frac{(e)}{(d)}$ A form $\frac{(must)}{(d)}$ be in final printed form $\frac{(a)}{(d)}$ a draft may not be submitted.
- [(2) If you have authorized a Rate Service Organization (RSO) to make form filings on your behalf, no filing by you is required if you implement the filings as submitted by the RSO.](2) Filings by RSO.
 - (a) An RSO is authorized to make a form filing on behalf of an insurer.
- [(a) A filing is required if you delay the effective date, non adopt or alter the filing in any way](b) If the effective date is delayed, the filing is not adopted, or the filing is altered, a filing is required.
 - [(b) Your filing must](c) A filing shall be received by the department before the RSO effective date.
- [(c) We do not require that you attach copies of the RSO's forms are not required to be attached to a filing when you reference the forms are referenced in a filing.
- [(3) If you have NOT authorized](e) If an RSO is not authorized to file forms on [your]behalf of an insurer, [you must]the insurer shall include[, in your filing] a letter stating [your intent to adopt any]that the insurer adopts RSO forms for [your]the insurer's use.
 - [(a)](f) Copies of the RSO forms are not required to be filed.
- [(b) Your filing must](g) A filing shall include a complete list of the RSO forms [you intend to adopt] the insurer adopts by form number, title[/], name, and filing identification number of the RSO.
- (4) A "Me Too" filing, referencing a filing submitted by another [insurer, bail bond agency, or service contract provider]licensee is not permitted.
- (5) If a previously filed Utah amendatory endorsement [will be] is used in connection with the form being filed, explain this in the [Filing Description] filing description section of the transmittal [form] and include a copy of the amendatory endorsement with the filing.
 - (6) [If the filing is for more than one insurer and all insurers included in the filing have submitted a transmittal:
 - (a) only one copy of each form is required;] If a filing is for more than one insurer, only one copy of each form is required.
- [(b) If the name of each respective company or unique insurer logo is printed on each separate set of the form, then a separate form must be filed for each insurer](7) A separate filing is required for each company, insurer, or unique insurer logo used on a form.
- [(7) Since a form may be used once it is "Filed" and must be "Filed" before it can be used, sold or offered for sale, you do not need to re file or notify the department](8) A form is not required to be re-filed if the implementation date of the original filing changes.

R590-225-8. Procedures for Rate and Supplementary Information Filings.

- (1) [Rates and supplementary information in general.
- (a) Rates and supplementary information are ["Use And File" Juse and file filings. [EXCEPTION: title]
 - (a) Title and workers compensation rates and supplementary information are ["File Before Use"] file before use filings.
- [(b) Service](b) A service contract provider[s], a bail bond [agencies]agency, [and]or a guaranteed asset protection waiver provider[s are] is exempt from this section.
- [(e) All](c) A rate filing[s] for private passenger auto, homeowners, or workers compensation [type of insurance must]TOI shall include a certification signed by a qualified actuary stating that the rates are not inadequate, excessive, or unfairly discriminatory [as required by]under Subsection 31A-19a-201(1).
- [(2) If you have authorized a Rate Service Organization (RSO)](2) Filings by an RSO authorized by an insurer to make a prospective loss cost, supplementary information filing, or both, [on your behalf, no filing by you is required if you]are not required if the insurer implements the filing [as-]submitted by the RSO.
- [(a) A filing is required if you delay the effective date, non-adopt, or alter the filing in any way](a) If the effective date is delayed, the filing is not adopted, or the filing is altered, a filing is required.
- [(b) Any such filing must](b) A filing shall be received by the department within 30 days of the effective date established by the RSO.
- [(c) We do not require that you attach copies of the](c) Copies of an RSO's manual pages are not required to be filed when [you | referenced in an RSO filing.
- [(3) If you have NOT authorized an](3)(a) If an RSO is not authorized to file the prospective loss cost, supplementary rating information, or both, on [your]an insurer's behalf, the insurer:
- [(a) you must include in your filing](a) shall include a letter stating [your intent to adopt] that the insurer adopts the RSO prospective loss cost, supplementary rating information filing, or both, for the insurer's use.
- [(b) You must](b) A filer shall file copies of any RSO manual pages as if they [were your-]are the insurer's own and provide [your-]the insurer's actuarial justification.
 - (4) A "Me Too" filing, referencing a filing submitted by another licensee, is not permitted.
- [(5) If the](5) If a filing is for more than one insurer [and all insurers included in the filing have submitted a transmittal-]and the supporting data and manual pages are identical for each insurer included in the filing, only one copy of the supporting data and manual pages [are required to]shall be submitted.

- [(6)](a) Rate and supplementary information filings [must-]shall be supported and justified by each insurer.
- [(a) Justification must](b) A justification shall include:
- (i) <u>a submission of [all factors]each factor used in determining the initial supplementary information and rates or changes in existing supplementary information and rates; and</u>
 - (ii) a complete explanation [as to the extent to which]of each factor [has been]and how it is used.
 - [(b)](c) Underwriting criteria are not required unless they directly affect the rating of the policy.
 - [(e)](d) Underwriting criteria used to differentiate between rating tiers is required.
- [(7)](6)(a) When submitting a filing for [any kind of]a rating plan, a rating modification plan, or a credit and debit plan, an insurer [must]shall include[in the filing]:
- [(a)](i) a statement identifying the arithmetic process [to be] used and whether factors will be added or multiplied when applying them to base rates; and
 - [(b)](ii) a justification for the method used.
- [(e)](b) A filing [will-]shall be rejected as incomplete if it [fails to specifically]does not provide [this-]the information in Subsection (6).
 - [(8)](7) Utah and countrywide statistical data for the latest three years available [must_]shall_be submitted with each filing. [(a) This data should_](a) The data shall_include:
 - (i) earned premiums[,];
 - (ii) incurred losses[-];
 - (iii) loss ratios[,];
 - (iv) establishment of expense factors[-]; and
 - (v) expected loss ratios.
- (b) Calculations [involved_]used in establishing rates from loss experience [are to be exhibited_]shall be shown, including the establishment of trend factors[,-] and loss development factors[,-ete].
- [(e) If any of the above](c) If the information in Subsection (7) is not available, a detailed explanation of [why must]the reason the information is not available shall be provided with the filing.
 - [9](8) Prospective loss cost and loss cost multiplier.
 - (a) [Loss cost multiplier.
- - [(ii)](b) This form allows for the inclusion of an individual insurer modification of the RSO prospective loss cost.
 - [(10)](9) Procedures for Reference Filings to Advisory Prospective Loss Cost.
- (a) [An RSO does not usually file an advisory rate that contains provisions for expenses, other than loss adjustment expenses.
- (i)—]An RSO develops and files [with the commissioner a "Reference Filing"]a reference filing containing advisory prospective loss cost and supporting actuarial and statistical data.
 - [(ii)](b) Each insurer must individually determine the rates it will file and the effective date of any rate changes.
- [(b)](c) If an insurer that is a member, subscriber, or service purchaser of [any RSO determines to use]an RSO that uses the prospective loss cost in an RSO [Reference Filing-]reference filing in support of its own filing, the insurer [must-]shall make a filing using the ["]Utah Insurer Loss Cost Multiplier Filing Forms.["]
- $[\underline{(e)}]\underline{(d)}$ The insurer's filed rates are $[\underline{the}]\underline{a}$ combination of the RSO's prospective loss cost and the loss cost multiplier contained in the $[\underline{"}]$ Utah Insurer Loss Cost Multiplier Filing Forms. $[\underline{"}]$
- [(d)](e) An insurer may file a modification of the prospective loss cost in the RSO [Reference Filing]reference filing based on its own anticipated experience.
- [(e) Actuarial](f) An actuarial justification is required for a modification, upward[s] or downward[s], of the prospective loss cost in the [Reference Filing]reference filing.
- [(f)](g) An insurer may request to have its loss cost adjustments remain on file and reference all subsequent RSO prospective loss cost [Reference Filings]reference filings.
- (i) Upon receipt of <u>a subsequent RSO [Reference Filings]reference filing</u>, the insurer's filed rates are [the-]a combination of the RSO's prospective loss cost and the loss cost adjustments contained in the ["]Utah Insurer Loss Cost Multiplier Filing Forms["] on file [with the commissioner, and will be-]and are effective on the effective date of the prospective loss cost.
 - (ii) The insurer need not file [anything further with the commissioner]any further filings.
- [(g) If the](h) If a filer wants to have its filed loss cost adjustments remain on file[with the commissioner], but intends to delay, modify, or not adopt a particular RSO's [Reference Filing]reference filing, the filer [must-]shall make an appropriate filing[with the commissioner].
- [(h)](i) An insurer's filed loss cost adjustments [will-]shall remain in effect until the filer withdraws [them-]the filing or files a revised ["]Utah Insurer Loss Cost Multiplier Filing Form.["]
 - [(i)](j) A filer may file [such other relevant information] the filer deems relevant].
- $[\frac{1}{2}]$ If an insurer [wishes-]proposes to use minimum premiums, it must file [the-]those minimum premiums[it proposes to use].
 - [(11)](10) Supplementary Rate Information.
- [(a) The RSO files with the commissioner](a) An RSO filing[s] containing a revision of rules, relativities, and supplementary rate information[. These RSO filings] shall include:

- (i) policy-writing rules;
- (ii) rating plans;
- (iii) classification codes and descriptions; and
- (iv) territory codes, descriptions, and rules, [which include factors or relativities such as,]including increased limits factors, classification relativities, or similar factors.
- [(b) These](b) A supplementary rate information filing[s are] is made by [the]an_RSO on behalf of [those insurers that have authorized] an insurer that authorizes the RSO to file rules, relativities, and supplementary rating information on [their]its behalf.
 - (c) An RSO may print and distribute a manual of rules, relativities, and supplementary rating information.
- (d) If an insurer [has authorized]authorizes an RSO to file on its behalf and the insurer decides to use the revisions and the RSO's effective date[then], the insurer [does NOT]need not file [anything with the commissioner]any further filings.
- (e) If an insurer [has authorized_]authorizes an RSO to file on its behalf and the insurer decides to use the revisions as filed, [BUT_]and with a different effective date, [then_]the insurer [must_]shall_notify the commissioner of the insurer's effective date within 30 days [after_]of_the RSO's effective date.
- (f) If an insurer [has authorized]authorizes an RSO to file on its behalf, [but]and the insurer decides not to use the revision, [then-]the insurer [must]shall notify the commissioner within 30[-] days [after]of the RSO's effective date.
- (g) If an insurer [has authorized]authorizes an RSO to file on its behalf, [but-]and the insurer decides to use the revision with modification, [then within 30 days of the RSO's effective date-]the insurer must file the modification specifying the basis for the modification and the insurer's effective date within 30 days of the RSO's effective date.
 - (12) Consent to rate Filing.
- (a) Subsection 31A 19a 203(6) allows an insurer to file a written application for a particular risk stating the insurer's reasons for using a higher rate than that otherwise applicable to a risk.
- (b) The Filing Description must indicate that it is a consent-to-rate filing, show the filed rate, the proposed rate, and the reasons for the difference.]
 - (11) Consent-to-Rate Filing. The filing description shall:
 - (a) indicate that the filing is a consent-to-rate filing;
 - (b) show the filed rate;
 - (c) show the proposed rate; and
 - (d) set forth the reasons for the difference.
 - [(13)](12) Individual Risk Filing.
- (a) <u>Rule R590-127[, "Rate Filing Exemptions", provides for those circumstances] sets forth when an [Individual Risk]individual risk filing is permitted.</u>
 - (b) An individual risk filing [must]shall be filed with the commissioner.
- (i) The filing shall consist of a copy of the [Declarations Page, copies]declarations page, a copy of any pertinent coverage form[s and] or rating schedule[s], and premium development.
- [(ii) The Filing Description must](ii) The filing description shall indicate that it is an individual risk filing, and contain the underwriter's explanation for the filing.
 - (14) Information Regarding Dividend Plan.
 - (a) Sections 31A 19a 210 and 31A 21 310 allow for dividend distributions.
- (b) A plan or schedule for the distribution of a dividend developed AFTER THE INCEPTION of a policy is NOT considered a rating plan and does not have to be filed according to the provisions of this rule.
- (c) A plan or schedule for the distribution of a dividend applicable to an insurance policy FROM ITS INCEPTION are required to be filed pursuant to Section 31A-21-310.]
- [(15) The Utah Insurance Code allows tiered](13) Tiered rating plans [within one]are permitted by a single insurer or insurer group with common ownership.
- (a) A filing [must]shall show that the tiers are based on mutually exclusive underwriting rules, [which are]based on clear, objective criteria that [would]lead to a logical distinguishing of potential risk.
- (b) A filing [must-]shall provide supporting information that shows a clear distinction between the expected losses and expenses for each tier.
- (c) If an insurer group [is using]uses a tiered rating structure, the group of insurers [cannot]may not all file the same loss cost multiplier and then file standard percentage deviations.
- (i) A difference [must-]shall be demonstrated in the loss cost multiplier formula, either as a modification of the RSO prospective loss cost or in the insurer expense factor.
- (ii) An individual insurer adjustment or modification [must]shall be supported by actuarial data [which]that establishes a reasonable standard for measuring probable insurer variations in historical or prospective experience, underwriting standards, expense and profit factors.

R590-225-9. Additional Procedures for Workers Compensation Rate Filings.

The following are additional procedures for workers' compensation rate filings:

[(1) All rate filings](1) A rate filing for workers compensation [must]shall include a certification signed by a qualified actuary stating that the rates are not inadequate, excessive, or unfairly discriminatory [as required by]under Subsection 31A-19a-201(1).

- [(2) Rates](2) A rate filing and supplementary information [must]shall be filed 30 days before they [ean be]are used.
- (3)(a) Each insurer [must]shall individually determine the rates it will file.
- (b) Filed rates.
- (i) An insurer's workers[¹] compensation filed rates are the combination of the most current prospective loss cost filed by the designated rate service organization and the insurer's loss cost adjustment, known as the loss cost multiplier (LCM), as calculated, and filed using the ["]Utah Worker's Compensation Insurer Loss Cost Multiplier Filing Form.["]
- [(ii) Each insurer must](ii) An insurer shall implement the designated [rate service organization's]RSO's current prospective loss cost on the effective date assigned by the designated [rate service organization. INSURERS MAY NOT DEFER NOR DELAY ADOPTION]RSO, and may not defer nor delay adoption of the lost cost multiplier.
- (iii) An insurer's filed loss cost multiplier [will-]shall remain in effect until the insurer withdraws it or files a new loss cost multiplier.
- (iv) Upon [receipt of]receiving a subsequent designated [rate service organization]RSO reference filing[s], [the]an insurer's filed rates are the combination of the designated RSO's prospective loss cost and the loss cost multiplier contained in the insurer's most current ["]Utah Loss Cost Multiplier Filing Form["] on file with the department.
- (4)(a) An insurer may file a modification to the designated [rate service organization]RSO prospective loss cost in the subject reference filing based on its own anticipated experience.
- (b) Supporting documentation [will be]is required for any modification[s], upward[s] or downward[s], of the designated [rate service organization]RSO prospective loss cost.
 - (5)(a) An insurer may vary expense loads by individual classification or grouping.
- _____(b) An insurer may use variable or fixed expense loads or a combination of these to establish its expense loadings.[
 However, an-]
- (c) An insurer [is required to]shall file data in accordance with the uniform statistical plan filed by the designated [rate service organization]RSO.
- [(6) When submitting a](6) A filing for a workers compensation rating plan, a rating modification plan, or a credit and debit plan [, an insurer must] shall include [in the filing the following or it will be rejected as incomplete]:
- (a) a statement identifying the arithmetic process [to be-]used and whether factors will be added or multiplied when applying them to base rates; and
 - (b) <u>a justification</u> for the method used.
- [(7) To the extent that](7)(a) If an insurer's rates are determined solely by applying its loss cost multiplier, as presented in the ["]Utah Worker's Compensation Insurer Loss Cost Multiplier Filing Forms["] to the prospective loss cost contained in a designated [rate service organization-]RSO reference filing and [printed-]contained in the designated [rate service organization's-]RSO's rating manual, the insurer need not develop or file its rate pages[-with the commissioner].
- (b) If an insurer chooses to [print and-]distribute rate pages for its own use, based solely upon the application of its filed loss cost multiplier, the insurer need not file those pages[-with the insurance commissioner].

R590-225-10. Additional Procedures for Title Rate Filings.

- [(1) Title](1) A title rate and a supplementary information filing are ["File Before Use"]file before use filings[. Rates and supplementary information-] and shall be filed [with the commissioner-]30 days [prior to-]before use.
- [(2) Each](2)(a) A change or amendment to [any]a schedule of rates shall state the effective date of the change or amendment, which may not be less than 30 days after the date of filing.[Any]
 - (b) A change or amendment remains in force for a period of at least 90 days from its effective date.
- (3)(a) Supplementary information and rate filings [must-]shall be supported and justified by each insurer.[—Justification must]
 - (b) A justification shall include:
- <u>(i)</u> submission of all factors used in determining initial supplementary information and rates or changes in existing supplementary information and rates[<u>-along with</u>]; and
 - (ii) a complete explanation [as to the extent to which]of each factor [has been]and how it is used.
- (4) Rates that vary by risk classification, such as extended coverage or standard coverage, and [all-]discount factors, such as refinance, subdivision, or construction for purpose of resale discounts, [must-]shall be supported by differences in expected losses or expenses.
- [(5) No-](5) A rate may not be filed or used [which would require the-]that requires a title insurer[or any title agency or producer-], an agency title insurance producer, or an individual title insurance producer to operate at less than the cost of doing business or [adequately underwriting the-]inadequately underwrite a title insurance [policies]policy.

R590-225-11. Classification of Documents.

- (2) Section 31A 19a 204 requires rates, and supplementary rate information to be open for public inspection. Supporting information in a rate filing is not designated under Section 31A-19a-204 as public information, however, under the Government Records Access and Management Act (GRAMA) supporting information in a rate filing would be considered open for public inspection unless it is classified as private, controlled, or protected. Under GRAMA the Department may classify certain information in a record as private, controlled, or protected. It is clear that the only category applicable to rate, rule and form filings other than as a

public record is as a protected record. If a record is classified as protected, the Department may not disclose the information in the record to third persons specifically and to the public generally.

- ————(3) The only information the Department may classify as protected, absent clear documentation otherwise, in accordance with Section 63G-2-305 are the following items:
- (a) Information deemed to be trade secret. Trade secret means information, including a formula, pattern, compilation, program, device, method, technique, or process, that:
- (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
 - (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.
 - (b) "Commercial Information and non-individual financial information obtained from a person which:"
- - (ii) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access.
- (4) The person submitting the information under R590 225 11(3)(a) or (b) above and claiming that such is or should be protected has provided the governmental entity with the information in Subsection 63G 2 309(1)(a)(i).
 - (5) The department will handle supporting information a filer submits as part of a rate filing in the following manner:
- (a) The filer will need to request which specific document the filer believes qualifies under GRAMA Subsection 63G-2-305(1) or (2) or both when the filing is submitted; and
- (b) the document must include a written statement of reasons supporting the request that the information should be classified as protected.
- (c) If the filer does not request the information in the document to be classified as protected, the document will be classified as public.
 - (d) The Department will not automatically classify any document in a filing as protected.
- (6) Once the filing has been received, the Department will review the documents the filer has requested to be classified as protected to see if it meets the requirements of Subsection 63G 2 305(1) or (2).
- (a) If all the information in the document meets the requirements for being classified as protected and the required statement is included, the document will be classified as protected, and the information will not be available to the public or third parties.
- (b) If all the information in the document does not meet the requirements for being classified as protected, the Department will notify the filer of the denial, the reasons therefore, and of the filer's right under GRAMA to appeal the denial. The filer will have 30 days to appeal the denial as allowed by Section 63G 2 401. Despite the denial of classifying the information as protected, the Department, pursuant to GRAMA, will nonetheless treat the information as if it had been classified as protected until:
 - (i) the filer has notified the Department that the filer withdraws the request for designation as protected; or
 - (ii) the 30 day time limit for an appeal to the Commissioner has expired; or
 - (iii) the filer has exhausted all appeals under GRAMA and the documentation has been found to be a public document.
- (c) If the filer combines in the same document, information it wishes to be classified as protected with information that is public, the document will be classified as public.
- (7) Filings submitted that show a pattern of requesting non-qualifying items as a protected document may be considered a violation of this rule. This would include putting both protected and public information in one document.]
- (1) A record submitted under this rule is subject to Title 63G, Chapter 2, Government Records and Access Management Act (GRAMA).
 - (2) Notwithstanding Subsection (1), a record filed under Section 31A-19a-204 is classified as public.
 - (3) Notwithstanding Subsections (1) and (2), a record may be classified as protected if requested under Section 63G-2-309.
 - (4) A filing may not be reopened to reclassify a previously filed document.
- (5) A pattern of requesting that non-qualifying documents be protected, including putting both protected and public information in one document, may violate this rule.

R590-225-12. Correspondence [5] and Status Checks.

- (1) [Correspondence.—]When corresponding with the department, provide sufficient information to identify the original filing including:
 - [(a) type of insurance](a) the TOI;
 - (b) the date of filing; and
 - [(c) Submission-](c) the submission method, SERFF[-] or email; and
 - (d) the tracking number.
 - (2) Status Checks.
- [(a) A complete filing is usually processed within 45 days of receipt.]
 - [(b) A filer can](a) A filer may request the status of its filing 60 days after the date of submission.
 - (b) A response will not be provided to a status request [prior to-]before 60 days.

R590-225-13. [Responses] Filing Objection Letter and Order to Prohibit Use.

(1) [Response to a Filing Objection Letter.] When responding to a [Filing Objection-] filing objection letter, a filer

[must]shall:

- (a) provide an explanation identifying [all changes]each change made;
- (b) include an underline and strikeout version for each revised document;
- (c) <u>include</u> a final version of the revised [documents that incorporates-]document incorporating all changes; and
- (d) for [filings]a filing submitted in SERFF, attach the documents described in [R590-225-12(1)(b) and (e)]Subsections (1)(b) and (1)(c) to the appropriate [Form Schedule or Rate/Rule Schedule]form schedule or rate/rule schedule tabs.
 - [(3) Response to an](2) Order to Prohibit Use.
 - [(a) An Order to Prohibit Use becomes](a) An order to prohibit use is final 15 days after the date of the [Order]order.
 - (b) Use of the filing [must]shall be discontinued [not]no later than the date specified in the [Order]order.
- (c) To contest an [Order to Prohibit Use, the commissioner must receive]order to prohibit use, a written request for a hearing shall be filed no later than 15 days after the date of the [Order]order.
- (d) A new filing is required if the licensee chooses to make the requested changes addressed in the [Filing Objection Letter. The new filing |filing objection letter and must reference the previously prohibited filing.

R590-225-14. [Penalties.

A person found to be in violation of this rule shall be subject to penalties as provided under Section 31A 2 308.

R590-225-15. Enforcement Date.

The commissioner will begin enforcing the revised provisions of this rule 15 days from the effective date of this rule.

R590-225-16. | Severability.

[If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.] If any provision of this rule, Rule R590-225, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: property casualty insurance filing

Date of Last Change: <u>2022[September 22, 2020]</u> Notice of Continuation: February 13, 2019

Authorizing, and Implemented or Interpreted Law: 31A-2-201; 31A-2-201.1; 31A-2-202; 31A-19a-203

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