

# Property and Casualty

## Review Standards Checklist

General Filing Requirements apply to all property and casualty lines of insurance. Once you have reviewed the general filing requirements, please page to that specific product line for additional filing requirements. If the product line you are filing is not listed below then simply follow the general filing requirements. **FOR** Bail Bonds, and Guaranteed Asset Protection Waivers, go directly to that section.

Commercial Umbrella      Professional Liability      Workers Compensation      Homeowners      Dwelling Fire

Farm      Personal Inland Marine      Personal Umbrella      Auto      Boats      Title      Motor Clubs

Portable Electronic Equipment      Warranty/Service Contracts      Bail Bonds      Guaranteed Asset Protection Waivers

| <b>FORMS - General</b>     |  |   |
|----------------------------|--|---|
| <b>Review Requirements</b> | <b>Reference</b>                             | <b>Comments</b>   |
| Incorporated by reference  | 31A-21-106<br>Bulletin 94-1<br>Bulletin 96-7 | Except as provided in this subsection an insurance policy may not contain any agreement or incorporate any provision not fully set forth in the policy, in an application, or other document at the time of delivery.   |
| Permissible arbitration    | R590-122<br>Bulletin 96-7                    | Policies that contain a binding arbitration provision are permitted, however mandatory binding arbitration may preempt an insured's access to some courts. See actual rule for disclosure statement.  |
| Bankruptcy provision       | 31A-22-201                                   | Every liability insurance policy shall provide that the bankruptcy or insolvency of the insured may not diminish any liability of the insurer to third parties, and that if execution against the insured is returned unsatisfied, an action may be maintained against the insurer to the extent that the liability is covered by the policy. |
| Cancellations              | 31A-21-303<br>Bulletin 96-7                  | Non-payment cancels need a 10 day notice after delivery, Cancellation for acceptable grounds need 30 day notice after delivery, Cancellations in the first 60 days need a 10 day notice after delivery. See code for additional requirements.   |
| Non-Renewals               | 31A-21-303<br>Bulletin 96-7                  | Non-renewal notices need a 30 day notice, Renewals need no more than 45 days but no less than 14 days prior to the due date of the renewal premium. If insurer offers or purports to renew the policy, but on less  |

|  |   |  |
|--|---|--|
|  |   | favorable terms or at higher rates, the new terms or rates take effect on the renewal date if sent by first-class mail at least 30 days prior to expiration. See code for additional requirements.                                       |
| Filing & approval of forms   | 31A-21-201<br>R590-225  | File and Use – Forms cannot be inequitable, unfairly discriminatory, misleading, deceptive, obscure, unfair, encourages misrepresentation, or not in the public interest. Exceptions: Service Contracts, Bail Bonds, and GAP Waivers.    |
| Policies, certificates, applications, outline of coverage, or endorsement      | 31A-21-101<br>31A-22-1701<br>Bulletin 2010-4<br>Bulletin 2012-7 | (a) Delivered or issued for delivery in this state; (b) on property ordinarily located in this state; (c) on persons residing in this state when the policy is issued; and (d) on business operations in this state.                     |
| Punitive damages   | 31A-20-101<br>Bulletin 96-7                                     | No insurer may insure or attempt to insure against punitive damages.   |
| Notice and proof of loss   | 31A-21-312<br>31A-22-203<br>Bulletin 87-6                       | This statutory provision, in effect, allows unlimited time period for filing notice and /or proof of loss – as long as the claimant shows it was not reasonably possible to file the notice and/or proof of loss within the time period. |
| Claims-Made policies   | 31A-22-204<br>Bulletin 86-5                                     | All claims made policies must disclose a conspicuous statement on the declarations page or policy jacket that the policy is a claims made policy.  |
| Language other than english  | 31A-21-112  | Specifies the parameters in which a foreign language form may be used.   |
| <b>Rates &amp; Rules- General</b>  |   |  |
| <b>Review Requirements</b>   | <b>Reference</b>  | <b>Comments</b>  |
| Rate standard  | 31A-19a-201<br>31A-19a-202                                      | Rates may not be excessive, inadequate, or unfairly discriminatory.  |
| Rate filings   | 31A-19a-203   | All rates, all supplementary information, and all changes in amendments to rates and supplementary information must be filed within 30 days of the date you start using them. Exception: Workers Compensation and Title.                 |
| Rate modification plans  | R590-121<br>R590-225<br>Bulletin 96-7                           | Experience Rating Plans, Rate Modification Plans, Schedule rating, IRPM plans, and Similar Plans Providing for Ranges of Rates, Tiered Rating, Unfair Discrimination. “Me Too” filings are not allowed.                                  |
| Tiered rating plans  | 31A-19a-214   | Establishes guidelines for using a tiered rating plan. Exception Workers Compensation.   |
| <b>Filing Guidelines – General</b>   |   |  |
| <b>Review Requirements</b>   | <b>Reference</b>  | <b>Comments</b>  |
| Procedures for submission of property and casualty rate, rule and form filings | R590-225  | Establishes requirements for submitting compliant filings.   |
| Requirement to file electronically   | Bulletin 2007-3   | Requires all rate, rule, and form filings to be submitted via the SERFF system.  |
| Classification of documents  | R590-225-11   | Details how to request confidentiality.  |
| Procedures for non-compliant rate and form                                     | Bulletin 2007-2   | Explains the process of filing objections and orders to prohibit use.  |

| filings                                    |                  |   |
|--|------------------|---|
| <b>Loss Settlement - General</b>           |                  |   |
| <b>Review Requirements</b>                 | <b>Reference</b> | <b>Comments</b>   |
| Unfair claim settlement                    | 31A-26-303       | No insurer or person representing an insurer may engage in any unfair claim settlement practice. Claim settlement practices may not be misleading, deceptive, unfairly discriminatory, over reaching, or an unreasonable restraint on competition (see code for detailed unfair practices). |
| Unfair property, liability, & title claims | R590-190         | Minimum standards for the investigation and disposition of property, liability and title claims arising under contracts or certificates issued to residents of the State of Utah.   |

## **Commercial Excess/Umbrella**

| <b>Rates &amp; Rules</b>   |                  |   |
|----------------------------|------------------|---|
| <b>Review Requirements</b> | <b>Reference</b> | <b>Comments</b>   |
| Rate Exemption             | R590-127-9       | Rates and rating plans for commercial excess insurance and umbrella liability insurance are exempt from the filing requirements of 31A-19a-203. |

## **Professional Liability**

| <b>Rates &amp; Rules</b>   |                  |   |
|----------------------------|------------------|---|
| <b>Review Requirements</b> | <b>Reference</b> | <b>Comments</b>   |
| Return of unearned premium | 31A-22-1309      | The insurer may not issue an errors and omissions policy that has a fully earned premium. |

## **Workers Compensation**

| <b>Forms</b>                    |                  |  |
|---------------------------------|------------------|--|
| <b>Review Requirements</b>      | <b>Reference</b> | <b>Comments</b>  |
| Direct enforcement by employees | 31A-22-1004      | All workers' compensation insurance policies shall contain a provision that employees may enforce, in their own names, the liability of the insurer. |
| Payment as bar to recovery      | 31A-22-1005      | All policies, whether in whole or in part, by either the employer or the insurer, bars recovery by the   |

|                                  |  | employee or his dependents to the extent of the payment.  |
|----------------------------------|--|---|
| Insurer's constructive knowledge | 31A-22-1006                            | All policies shall contain a provision that, as between the employee and the insurer, notice to or knowledge of the occurrence of the injury on the part of the employer is considered to be notice or knowledge to the insurer. This provision shall also state that the insurer is bound and subject to the orders, findings, decisions, and awards rendered against the employer for the payment of compensation on account of compensable accidental injuries or occupational disease disability. |
| Employer's insolvency            | 31-22-1007                             | All Policies shall contain a provision that the insolvency of the employer and his discharge does not relieve the insurer from the payment of compensation for injuries or death sustained by an employee during the life of that policy or contract.   |
| Duration of coverage             | 31A-22-1002<br>31A-33-113<br>34A-2-205 | Insurer must give notice to the policyholder and the Division of Industrial Accidents which is part of the Labor Commission.  |
| <b>Rates &amp; Rules</b>         |  |   |
| <b>Review Requirements</b>       | <b>Reference</b>                       | <b>Comments</b>   |
| Filing of rates & rules          | 31A-19a-405                            | All workers' compensation rates, supplementary rate information, and supporting information shall be filed at least 30 days before the effective date of the rate or information. The loss and loss adjustment expense factors included in the rates filed shall be the prospective loss costs filed by the designated rate service organization.   |
| Tiered rate plans                | 31A-19a-408                            | Tier Rating is permitted in Utah. However, an insurer is required to file the underwriting guidelines which specify the criteria for placing a risk in a given tier. This information is required to be filed as to permit the department to determine that the tiers are not unfairly discriminatory. We also require actuarial data justifying the different tiers either by differences in expected losses and/or differences in expenses.   |
| Deductible plans                 | 31A-22-1010<br>Bulletin 92-7           | Are permitted under certain circumstances. Our definition of deductible plan is a plan that provides for the insured to participate in the payment of the insurance claims and losses covered by the policy. Under no circumstances will any plan be allowed to permit an insured to pay any amount directly. The only type that will be allowed is a "reimbursement" type of plan.   |
| <b>Loss Settlement</b>           |  |   |
| <b>Review Requirements</b>       | <b>Reference</b>                       | <b>Comments</b>   |
| Waiver of subrogation            | 34A-2-106<br>Bulletin 99-8             | The Statute prohibits the insurer from unilaterally compromising the entire claim against the third party. It does not prevent the insurer from compromising its subrogation portion of the claim. The waiver is permissible as long as it does not affect the employee's rights. It should expressly exclude from release the employee's rights against the third party, and exclude from release the insurer's authority as trustee of the entire claim.  |

## Homeowners

| <b>Forms</b>   |                  |   |
|--|------------------|---|
| <b>Review Requirements</b>   | <b>Reference</b> | <b>Comments</b>   |
| Homeowner non-renewals   | 31A-21-303(5)    | An insurer may not fail to renew a homeowner insurance policy based on solely on certain weather related incidents.   |
| <b>Rates &amp; Rules</b>   |                  |   |
| <b>Review Requirements</b>   | <b>Reference</b> | <b>Comments</b>   |
| Use of consumer reports by residential dwelling liability insurers | 31A-22-1307      | An insurer who uses consumer reports in connection with the underwriting of residential dwelling liability insurance shall establish and adhere to written procedures.    |
| <b>Loss Settlement</b>   |                  |   |
| <b>Review Requirements</b>   | <b>Reference</b> | <b>Comments</b>   |
| Use of loss history  | 31A-21-303(5)    | An insurer may not make an adverse eligibility or rate decision related to personal lines insurance in whole or in part on the basis of certain loss history information. |

## Dwelling Fire – Farm

| <b>Rates &amp; Rules</b>   |                  |   |
|--|------------------|---|
| <b>Review Requirements</b>   | <b>Reference</b> | <b>Comments</b>   |
| Use of consumer reports by residential dwelling liability insurers | 31A-22-1307      | An insurer who uses consumer reports in connection with the underwriting of residential dwelling liability insurance shall establish and adhere to written procedures as detailed in the statute. |
| <b>Loss Settlement</b>   |                  |   |
| <b>Review Requirements</b>   | <b>Reference</b> | <b>Comments</b>   |
| Use of loss history  | 31A-21-303(5)    | An insurer may not make an adverse eligibility or rate decision related to personal lines insurance in whole or in part on the basis of certain loss history information.                         |

## Personal Inland Marine – Personal Umbrella

| Loss Settlement     |               |   |
|---------------------|---------------|---|
| Review Requirements | Reference     | Comments  |
| Use of loss history | 31A-21-303(5) | An insurer may not make an adverse eligibility or rate decision related to personal lines insurance in whole or in part on the basis of certain loss history information. |

## Auto

| Forms                                    |                           |   |
|--|---------------------------|---|
| Review Requirements                      | Reference                 | Comments  |
| Motor vehicle insurance non-renewals     | 31A-21-303(5)             | An insurer may not fail to renew a motor vehicle insurance policy based solely on certain weather, claim, accident, age and moving violation information.   |
| ID cards                                 | 31A-22-302(3)             | A card issued by an insurance company as evidence of owner's or operator's security on or after July 1, 2014 may not display the owner's or operator's address on the card.   |
| Rates & Rules                            |                           |   |
| Review Requirements                      | Reference                 | Comments  |
| Prior insurance                          | R590-128<br>Bulletin 96-7 | Unfair discrimination based solely on the failure to maintain Automobile ins. The underwriter must determine the reason for no prior insurance. If reason is legitimate and shows compliance with the financial responsibility law, the risk cannot be denied coverage or rated differently than someone with prior insurance.  |
| Excluded drivers                         | 31A-22-302.5              | Driver exclusions are allowed on a very limited basis for personal lines policies only. A driver must be a resident of the named insured's household in order to be eligible for exclusion. This generally eliminates driver exclusions from commercial automobile liability policies. The named insured and the excluded driver must both sign the exclusion form (that must be filed). The excluded driver must have insurance elsewhere or have a suspended, revoked, or disqualified license in order to qualify for exclusion. A driver that has never been licensed cannot be excluded. |
| Credit Scoring                           | 31A-22-320<br>R590-219    | Insurer must comply with all notification requirements of the federal Fair Credit Reporting Act and provide notice to insured or applicant where to lodge a dispute with the consumer reporting agency. Credit scores are only allowed to be used for initial underwriting as long as it is not a sole factor. Once a credit has been given it cannot be removed or reduced.  |
| Uninsured/Underinsured motorist coverage | Bulletin 96-7             | Uninsured and Underinsured are separate and distinct coverages. Neither the coverage nor their limits may be combined. Uninsured and Underinsured motorist coverage must be provided unless the insured rejects each coverage in writing. Uninsured and Underinsured motorist coverage are not contingent upon each   |

|  |   |  |
|--|---|--|
|  |   | other. One or both may be selected or rejected.  |
| Motor vehicle liability coverage   | 31A-22-303  | Sets specific standards for motor vehicle liability coverage.  |
| Bodily injury - property damage  | 31A-22-304  | Minimum limits – \$25,000-\$65,000-\$15,000 (split limit) \$80,000 (single limit).   |
| Uninsured motorist coverage  | 31A-22-305  | Sets forth the minimum limits required, the requirements for the selection/rejection form, as well as other specific requirements. Minimum limit: \$25,000-\$65,000  |
| Underinsured motorist coverage   | 31A-22-305.3  | Sets forth the minimum limits required, the requirements for the selection/rejection form, as well as other specific requirements. Minimum limit \$10,000-\$20,000   |
| Uninsured motorist property damage                                       | 31A-22-305.5  | Insurer must provide UMPD if Collision is not provided. The limit is \$3,500 or the motor vehicle's ACV whichever is less. A \$250 deductible applies. This coverage may be rejected.  |
| Personal injury protection   | 31A-22-306<br>31A-22-307<br>31A-22-308<br>31A-22-309<br>31A-22-309<br>Bulletin 89-3<br>Bulletin 96-7<br>Bulletin 99-1 | Coverage is mandatory and may not be rejected. Coverage may not be subject to a deductible. Coverage may not be limited to accidents occurring in Utah.  |
| Work loss  | 31A-22-307<br>Bulletin 94-4<br>Bulletin 96-7  | The insured may waive for the named insured and the named insured's spouse only the loss of gross income benefits if the insured states in writing that; A-within 31 days of applying for coverage, neither the insured nor the insured's spouse received any earned income from regular employment; and B-for at least 180 days from the date of the writing and during the period of insurance, neither the insured nor the insured's spouse will receive earned income from regular employment. |
| <b>Rates &amp; Rules - Off Highway Vehicles &amp; Street Legal ATV's</b> |   |  |
| Bodily injury – property damage  | 41-6a-1509  | Street legal ATV's shall comply with the same requirements for insurance as a motor vehicle per Title 41, Chapter 12a, Financial Responsibility Motor Vehicle Owners and Operators Act, minimum limits \$25,000-\$65,000-\$15,000 (split limit) \$80,000 (single limit).   |
| Personal injury protection   | 31A-22-302  | Motorcycles, off highway vehicles, street legal all-terrain vehicles, and semi- trailers are not required to have personal injury protection.  |
| <b>Loss Settlement</b>   |   |  |
| <b>Review Requirements</b>   | <b>Reference</b>  | <b>Comments</b>  |
| Use of loss history  | 31A-21-303(5)   | An insurer may not make an adverse eligibility or rate decision related to personal lines insurance in whole or in part on the basis of certain loss history information.  |
| After-market parts   | 31A-22-316<br>31A-22-317<br>31A-22-318<br>31A-22-319  | Unless the insured is given notice in writing an insurer may not specify the use of non-OEM parts in vehicle repairs. Unless the consumer is given notice in writing prior to installation, a repair facility or installer may not use non-OEM parts to repair a vehicle.  |

|                     |               |   |
|---------------------|---------------|---|
| Use of loss history | 31A-21-303(5) | An insurer may not make an adverse eligibility or rate decision related to personal lines insurance in whole or in part on the basis of certain loss history information. |
|---------------------|---------------|---|

## Boats

| Forms                                     |               |   |
|---|---------------|---|
| Review Requirements                       | Reference     | Comments  |
| Motorboat liability coverage              | 31A-22-1502   | Details policy requirements.  |
| Rates & Rules                             |               |   |
| Review Requirements                       | Reference     | Comments  |
| Motorboat liability policy minimum limits | 31A-22-1503   | Sets the mandatory minimum limits of \$25,000-\$50,000-\$15,000 (split limit) \$65,000 (single limit).  |
| Mandatory coverage                        | 31A-22-1504   | All coverage shall include primary defense costs and may not be waived.   |
| Loss Settlement                           |               |   |
| Review Requirements                       | Reference     | Comments  |
| Use of loss history                       | 31A-21-303(5) | An insurer may not make an adverse eligibility or rate decision related to personal lines insurance in whole or in part on the basis of certain loss history information. |

## Title

| Rates & Rules  |             |  |
|--|-------------|--|
| Review Requirements                                  | Reference   | Comments   |
| Special provisions for title insurance               | 31A-19a-209 | Title insurance rates and rules must be filed 30 days before they can be used.   |
| Submission of schedule of minimum charges for escrow | R592-15     | Establishes the procedures for filing a schedule of minimum charges for escrow services pursuant to Section 31A-19a-209. |

## Motor Clubs

| Forms                       |            |   |
|-----------------------------|------------|---|
| Review Requirements         | Reference  | Comments  |
| Activities of motor clubs   | 31A-11-102 | Sets forth the acceptable activities that a motor club may perform. |
| Bail for traffic violations | 31A-11-112 | Sets forth the requirements to issue bail bonds.                    |
| Rates & Rules               |            |   |
| Review Requirements         | Reference  | Comments  |
| Rates                       | 31A-11-103 | Chapter 19a is inapplicable unless ordered by the Commissioner.     |

## Portable Electronic Equipment

| Forms  |             |   |
|--|-------------|---|
| Review Requirements  | Reference   | Comments  |
| Requirements for sale of portable electronics insurance    | 31A-22-1807 | Sets forth the filing requirements, primary coverage requirements, and written material requirements. |
| Termination of or changes to portable electronic insurance | 31A-22-1808 | Requirements for terminating a policy and notification of changes.                                    |

## Warranty/Service Contracts

| Forms                           |            |   |
|---------------------------------|------------|---|
| Review Requirements             | Reference  | Comments  |
| Service Contracts               | 31A-6a     | This chapter contains all the requirements for a warranty/service contract provider doing business in the State.            |
| Requirements for doing business | 31A-6a-103 | Establishes requirements for becoming a service contract provider. All forms must be filed 30 days before they can be used. |
| Required disclosures            | 31A-6a-104 | Details language that must be contained within a warranty/service contract sold in Utah.                                    |
| Cancellation of                 | 31A-6a-107 | Requires notification to the department when the reimbursement policy is cancelled.   |

|                                       |            |  |
|---------------------------------------|------------|--|
| reimbursement insurance               |            |  |
| Prohibited acts                       | 31A-6a-105 | Establishes certain specific acts that a warranty/service contract provider cannot engage in.  |
| Recordkeeping requirements            | 31A-6a-106 | Sets forth the recordkeeping requirements of warranty/service contract providers.  |
| Home protection service contract rule | R590-166   | Establishes certain exemptions from the requirements of Chapter 6a of Title 31A as it relates to home protection companies as defined in the rule. |

| <b>Rates &amp; Rules</b>   |                  |   |
|----------------------------|------------------|---|
| <b>Review Requirements</b> | <b>Reference</b> | <b>Comments</b>   |
| Rates and rules            | 31A-6a-103       | A service contract provider complying with Chapter 6a is not required to comply with Chapter 19a. |

## **Bail Bonds**

| <b>Forms</b>                     |                        |  |
|----------------------------------|------------------------|--|
| <b>Review Requirements</b>       | <b>Reference</b>       | <b>Comments</b>  |
| Filing of forms                  | 31A-35-607<br>R590-225 | Sets forth the requirements for filing forms. Forms must be submitted 30 days before they can be used.                         |
| Grounds for revocation of a bond | 31A-35-702<br>R590-196 | Details what “good cause” is and requires the premium to be refunded when the bond is revoked without “good cause”.            |
| Disclosure Statement             | R590-196               | A bail bond surety and its agents will use the disclosure form described in the rule. The rule also sets collateral standards. |

| <b>Rates &amp; Rules</b>   |                  |   |
|----------------------------|------------------|---|
| <b>Review Requirements</b> | <b>Reference</b> | <b>Comments</b>                         |
| Rates and rules            | 31A-35-103       | Bail bonds are exempt from Chapter 19a. |

| <b>Filing Guidelines</b>   |                  |   |
|--|------------------|---|
| <b>Review Requirements</b>   | <b>Reference</b> | <b>Comments</b>   |
| Procedures for the submission of property and casualty rate, rule and form filings | Rule R590-225    | Establishes requirements for submitting compliant filings.        |
| Procedures for non-compliant rate and form filings                                 | Bulletin 2007-2  | Explains the procedure for how non-compliant filings are handled. |

|                                    |                 |  |
|------------------------------------|-----------------|--|
| Requirement to file electronically | Bulletin 2007-3 | Requires all filings to be submitted electronically.             |
| Immigration bonds                  | Bulletin 2012-6 | Sets forth the licensing requirements to sell immigration bonds. |

## Guaranteed Auto Protection Waivers

| <b>Forms</b>  |                  |   |
|---|------------------|---|
| <b>Review Requirements</b>  | <b>Reference</b> | <b>Comments</b>   |
| Guaranteed asset protection waivers                                   | Chapter 6b       | This chapter contains all the requirements for doing business in the State.   |
| Filing new or changed guaranteed asset protection waivers             | 31A-6b-203       | All guaranteed asset protection waivers must be filed 30 days before they can be used.  |
| General requirements for a guaranteed asset protection waiver         | 31A-6b-301       | Does not allow the purchase of the waiver to be contingent on the extension of credit, a term of credit or a term of the related vehicle.                       |
| Required disclosures  | 31A-6b-302       | Details the required disclosures that must be contained in the waiver.  |
| Cancellation or termination of the guaranteed asset protection waiver | 31A-6b-303       | Sets forth the allowable procedures to cancel a guaranteed asset protection waiver.   |
| <b>Rates &amp; Rules</b>  |                  |   |
| <b>Review Requirements</b>  | <b>Reference</b> | <b>Comments</b>   |
| Rates and rules   | 31A-6b-103(2)    | A guaranteed asset protection waiver is exempt from the provisions of this title other than this chapter, except to the extent otherwise provided this chapter. |