806 KAR 14:006. Property and casualty insurance form filings.

RELATES TO: KRS 304.1-050, 304.4-010, 304.13-051, 304.14-120, 304.14-190, 304.21-010, 304.22-020, 304.23-010

STATUTORY AUTHORITY: KRS 304.2-110, 304.14-120

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the commissioner to promulgate reasonable administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.14-120 authorizes the commissioner to approve, disapprove, or exempt insurance documents and forms prior to issuance for delivery in Kentucky. This administrative regulation provides form filing procedures for property, casualty, surety, title, and mortgage guaranty insurance.

Section 1. Definitions.

(1) "Commissioner" is defined by KRS 304.1-050(1).

(2) "Department" is defined by KRS 304.1-050(2).

Section 2. Electronic Filing.

(1) Every insurer, other than life or health insurers, required by law or licensed advisory organization or form provider permitted by law to file policy forms or endorsements, advertising and sales materials, or other documents subject to form filing requirements shall file the forms with the department electronically through the System for Electronic Rate and Form Filing (SERFF) or other electronic manner approved by the department.

(2) If the filing is being made by a third party, a signed letter of authorization from the insurer shall be submitted.

(3) Forms shall be filed separately from rates and rules.

(4) A property and casualty form filing may include forms for a particular insurance company or group of insurance companies.

Section 3.

(1) A policy or form shall not be used in Kentucky until it has been approved unless a policy or form has been exempted by an order of the commissioner pursuant to KRS 304.14-120(4). Any policy or form exempt from prior approval requirements under an order issued by the commissioner pursuant to KRS 304.14-120(4) may be subsequently disapproved for continued use on a prospective basis by the commissioner or designee upon a finding that the policy or form:

(a) Does not meet the requirements of Kentucky law;

(b) Contains any provisions that are unfair, deceptive, ambiguous, misleading, or unfairly discriminatory; or

(c) Is solicited by means of advertising, communication, or dissemination of information which is deceptive or misleading.

(2) If the rates pertaining to a form are required by law to be filed or approved, the form shall not be used until the appropriate rates have been filed or approved as required in accordance with KRS 304.14-120 and 304.13-051.

Section 4.

(1) Filing fees shall be paid on a per-company basis.

(2) The period of time in which the commissioner may approve or disapprove the filing shall not begin to run until both the complete filing and appropriate fee, in accordance with KRS 304.4-010 and 806 KAR 4:010, are received by the department.

Section 5.

(1) Insurers that are members, subscribers, or service purchasers of an advisory organization or form provider permitted by law to file policy forms or endorsements, advertising and sales materials, or other documents other than those pertaining to rates may choose to adopt all or some of the forms of that advisory organization or form provider.

(2) If an insurer chooses to adopt only a specific filing of an advisory organization or form provider, it shall do so in accordance with the procedures set forth in this administrative regulation, and shall clearly identify which filing of the advisory organization or form provider it is adopting.

(3)

(a) If an insurer chooses to adopt all of the policy forms or endorsements, advertising and sales materials, or other documents other than those pertaining to rates of an advisory organization or form provider, it shall:

1. Provide written authorization to the advisory organization or form provider to file those materials on the insurer's behalf; or

2. File written notice with the commissioner that it is adopting by reference all the current and future policy forms or endorsements, advertising and sales materials, or other documents other than those pertaining to rates that the advisory organization or form provider files.

(b)

1. The advisory organization or form provider shall file the written notice of authorization referred to in paragraph (a)1 of this subsection with the commissioner and shall pay the appropriate fee, in accordance with KRS 304.4-010 and 806 KAR 4:010.

2. The fee shall be paid for each company sending the written authorization and on the basis of each line of insurance.

(c)

1. If an insurer that previously authorized an advisory organization or forms provider to file on its behalf as referred to in paragraph (a)1 of this subsection, or an insurer that filed written notice with the executive director to adopt by reference as referred to in paragraph (a)2 of this subsection chooses not to adopt certain policy forms or endorsements, advertising and sales materials, or other documents other than those pertaining to rates as filed by the advisory organization or form provider, the insurer shall file a notice of the non-adoption with the commissioner and shall pay the appropriate filing fee, in accordance with KRS 304.4-010 and 806 KAR 4:010.

2.

a. If an insurer chooses to delay the effective date of its adoption of an advisory organization or forms provider filing, it shall submit a letter to the departmentrequesting the revised date upon which it shall adopt the filing.

b. The delayed adoption date shall be within six (6) months of the original effective date.

c. If additional time is needed, a second letter shall be submitted to the department, requesting a revised delayed adoption date.

d. All revised delayed adoption dates shall be within one (1) year of the original effective date as filed by the advisory organization or forms provider.

3. If an insurer does not adopt the advisory organization or forms provider filing within one (1) year of the original effective date as filed by the advisory organization or forms provider, the insurer shall submit a non-adoption filing.

(4) The requirements of this section shall apply to any filing made pursuant to an exemption order issued by the commissioner under KRS 304.14-120(4), unless the commissioner specifically exempts the advisory organization or form provider from these requirements in the order.

Section 6. If a filing includes a form which amends, replaces, or supplements a form which has been previously filed and not disapproved, it shall be accompanied by a letter of explanation from the filer setting forth the following:

(1) All changes contained in the newly filed form;

(2) The effect, if any, the changes have upon the hazards purported to be assumed by the policy; and

(3) An explanation as to the effect on the applicable rates.

Section 7.

(1) Facsimile signatures of company officers, attorneys-in-fact, employees, and representatives shall not be required and shall not be submitted with any filing.

(2) A change of signature of the executing officer on a policy form shall not, because of this change alone, require a new filing.

(27 Ky.R. 1404; Am. 1809; eff. 1-15-2001; 34 Ky.R. 1550; 2289; eff. 5-2-2008; Amd 44 Ky.R. 1665, 2210; eff. 5-4-2018; Crt eff. 4-25-2025.)