

December 3, 1984

SUBJECT: INSURANCE

WITHDRAWN

CIRCULAR LETTER NO. 15 (1984)

December 3, 1984

TO : ALL INSURERS AUTHORIZED TO TRANSACT PROPERTY AND CASUALTY INSURANCE BUSINESS IN THIS STATE, AND RATE SERVICE ORGANIZATIONS

RE : PROCEDURES FOR FILING FORMS, RATING CLASSIFICATIONS AND TERRITORIES UNDER ARTICLE 23

In view of the recodification of the Insurance Law which became effective on September 1, 1984, and to reiterate the Department's filing requirements, this Circular Letter replaces and supersedes Circular Letter No. 2 (1970).

Section 2307(a) of the Insurance Law states:

"No insurer or rate service organization shall use a rating classification or territory unless it has been filed with the superintendent and either he has approved it, or ninety days have elapsed and he has not disapproved it as unfairly discriminatory or violative of public policy."

Section 2307(b) of the Insurance Law states in part:

"No policy form shall be delivered or issued for delivery unless it has been filed with the superintendent and either he has approved it, or thirty days have elapsed and he has not disapproved it as misleading or violative of public policy."

In order to expedite the processing of such filings, insurers should comply with the following requirements:

A. RATING CLASSIFICATION AND TERRITORY FILINGS

All rating classification and territory filings should be accompanied by an explanatory memorandum indicating:

1. The specific changes being proposed.
2. A comparison of the current and proposed classifications and/or territories.
3. The specific basis for the proposed changes including all statistical data in support thereof, as required in Section 2310(a) of the Insurance Law.

B. FORM FILINGS

All form filings should be accompanied by an explanatory memorandum indicating:

1. The specific nature and purpose of the form(s).

2. Specific reference to all amendments, additions or withdrawals of provisions or conditions, if any, as they relate to forms already on file.
3. Whenever practicable, such filings should include a side by side comparison of the current and proposed provisions.
4. If a filing is identical to or based upon a filing approved by this Department for a rate service organization or another company, the filing should so indicate and identify the rate service organization or company.

C. USE OF FORMS, RATING CLASSIFICATIONS AND TERRITORIES BY MEMBERS OF AND SUBSCRIBERS TO RATE SERVICE ORGANIZATIONS

Forms, rating classifications and territories approved by this Department for a rate service organization may be used by those members and subscribers who have filed an appropriate authorization form with this Department. Individual company submissions are not required.

Companies which only use the rate service organization as a statistical agent, or are otherwise only service purchasers, may only use such forms, rating classifications and territories when individually filed by such companies for specific approval by this Department.

D. EFFECTIVE DATES

All form, rating classification and territory filings become effective upon date of approval unless the approval states otherwise or the filer specifically requests an effective date subsequent to the date of approval. Proposed effective or implementation dates should allow for the requisite time specified by the Insurance law.

Very truly yours

[SIGNATURE]

James P. Corcoran

Superintendent of Insurance