

**NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES**

**PRODUCT OR SYSTEM GROUP POLICIES FILING COMPLIANCE QUESTIONNAIRE**

PAGE 1 OF 2

<b>COMPANY</b>	<b>Co. File No.</b>
<b>Company Contact:</b>	<b>Phone Number:</b>
<b>E-Mail Address:</b>	

**Instructions: All applicable items must be answered. Responses in the shaded area indicate non-compliance with Section 3446 and Regulation 167 (11 NYCRR 310) of the Insurance Law. Form, page and paragraph references that bring the submission into compliance must be included. Failure to complete all items, or responses in the shaded area, will result in this filing being returned without further review.**

**I. General Requirements**

- a. Policy and Certificate forms must be submitted for approval. [New York Insurance Law 2307(b) & Reg. 167 §310.3(a)] YES  NO
- b. The policy language must be clear in that the "group policyholder" is issued the policy and pays the premium, however, the "insured" is the group member, to whom the certificate is issued and claims are paid directly. [310.1] YES  NO
- c. A definition of "loss or damage to the property" covered under the policy must be provided. This may include (but is not limited to) unreimbursed incidental expenses, such as rental or registration costs for replacement property. [310.1(g)] YES  NO
- d. May only provide coverage for kinds of insurance in §1113(a)(4),(5),(6),(7),(8),(9),(10),(11),(12),(19),(20). [310.2(b)] YES  NO
- e. Insurer must be licensed to write the kind(s) of business for the property covered by the policy (e.g., coverage for theft of automobiles is considered to be written under §1113(a)(19)) YES  NO
- f. Group insured under policy must consist of at least 25 members, or be expected to maintain at least 25 members during the policy period. [310.2(d)] YES  NO
- g. The policy should clearly define the covered property. YES  NO
- h. Coverage may not duplicate other applicable coverage the member may already have. [310.4(c)] YES  NO
- i. Is there an "aggregate" policy limit? [310.4(e)] YES  NO

**II. Cancellations/ Nonrenewals / Conditional Renewals**

- a. One-year (or longer) policy period required. [310.5(b)(1)] YES  NO
- b. Cancellations may only be based on reasons enumerated in Insurance Law §3426 (c)(1). [310.5(b)(2)] YES  NO
- c. Policy may not be cancelled based upon an act or omission by a group member. [310.5(b)(2)] YES  NO
- d. Cancellation, nonrenewal, or conditional renewal may not be effective until 30 days after mailing of notice. [310.5(b)(3)] YES  NO
- e. Cancellation of the policy may not affect certificates already issued and in effect. [310.5(c)(1)] YES  NO

**NOTE: All citations in Brackets are to the applicable paragraphs of Section 3446 and Regulation 167 (11 NYCRR 310) of the Insurance Law.**

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**COMPANY**

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**III. Rates, Rules, Territories, Classifications**

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| a. The filing must include all applicable rates, rating plans, rating rules, territories and classifications. [310.3(b)]   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| b. Rating information for "a" rated risks shall be maintained in company files [310.3 (b)(3)].   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| c. Premium reductions, if included as part of rating plan, must be in compliance with the standards of Article 23, demonstrating actual or reasonably anticipated loss and expense experience. [310.3(e)(1)] | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| d. Rating differences based on loss or expense differences by group (if any) are considered rating classifications subject to prior approval. [310.3(e)(3)]  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

**IV. Certificate**

- |   |                              |                             |
|---|------------------------------|-----------------------------|
| a. Certificate form must be submitted for approval. [310.3(a)]  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| b. All material terms and conditions of coverage affecting group members (certificate holders) must be incorporated into the certificate, OR the group policy must be referenced in the certificate and a copy of policy attached. [310.4(b)] | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| c. Certificate must contain <u>conspicuous</u> notice that coverage cannot duplicate other applicable coverage the member may already have. [310.4(c)]  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| d. Certificate must contain <u>conspicuous</u> notice with phone number and claim procedures to be followed. [310.4(d)]   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| e. Individual certificate may not be cancelled, nonrenewed or conditionally renewed, even if group policy is terminated. [310.5(c)(1)]  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| f. There may not be a separate charge to the insured (group member) for the coverage or guarantee provided, since the policy premium must be paid by the group policyholder. [310.2(e)]   | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

**V. Other items**

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| a. No deductibles should apply to this coverage, since the insureds do not select the coverage options and should not be penalized.  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| b. Filing should include description of entire program's operation, including payment of premiums and recording of registered insureds.  | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| c. Any "administrator" involved in the program may not adjust the settlement amount of claims, or accept premiums on behalf of the insurer, unless appropriately licensed as an adjuster or agent / broker, respectively. [New York Insurance Law §2102] | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

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