

Commercial Auto  
Virginia Filing Checklist

REVIEW REQUIREMENTS	REFERENCE	COMMENTS
<b>FORMS</b>		
<b>Applications</b>		
Not Subject to Filing Requirements	<a href="#">§ 38.2-2218</a>	There are no Virginia standard commercial auto application forms. Commercial auto application forms may not be attached to, or made a part of, the policy.
Fraud Statement Required	<a href="#">§ 52-40 B</a>	If the notice uses wording other than the statutory wording, approval of the Fraud Bureau of the Virginia State Police is required. The statutory language is as follows: "It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits."
Warranties in Applications Prohibited	<a href="#">§ 38.2-309</a>	Statements in applications are representations, not warranties, and may not be used to bar recovery unless the statement was material to the risk and proven untrue.
<b>Arbitration</b>		
Binding Arbitration Provisions Prohibited	<a href="#">§ 38.2-312</a> <a href="#">Administrative Letter 1998-12</a>	No provisions may be added that restrict the coverage provided by the Virginia standard auto forms.
<b>Bankruptcy Provision</b>		
Required	<a href="#">§ 38.2-2200</a>	The provision must address bankruptcy or insolvency of the insured or the insured's estate as well as when an action may be maintained against an insurer (unsatisfied judgement clause). These provisions are included in the Virginia standard auto forms.
<b>Cancellation &amp; Nonrenewal</b>		
Advance Written Notice Required	<a href="#">§ 38.2-231</a> <a href="#">Administrative Letter 1987-14</a> <a href="#">Administrative Letter 1989-7</a> <a href="#">§ 38.2-2208</a> and <a href="#">§ 38.2-2212</a>	Fifteen days notice to all named insureds is required if cancellation or non-renewal is for non-payment of premium; 45 days notice is required for all other reasons. These provisions are included in the Virginia standard auto forms.  See <a href="#">§§ 38.2-2208</a> and <a href="#">38.2-2212</a> for special requirements applicable to policies issued to individual named insureds.
Calculation of Return Premiums	<a href="#">§ 38.2-305</a>	The method of calculation of return premiums upon cancellation must be clearly stated in the policy. This provision is included in the Virginia standard forms.
<b>Filing Standards</b>		
Virginia Standard Auto Forms Not Required To Be Filed	<a href="#">§ 38.2-317</a> <a href="#">§ 38.2-2218</a> <a href="#">§ 38.2-2220</a>	Virginia standard auto forms are promulgated by the Bureau for use by all insurers. Refer to the Virginia Filing Guidelines Handbook for a list of Virginia standard auto forms.
30-day Prior Approval Applies To Insurers' Independently Developed Auto Forms and Endorsements	<a href="#">§ 38.2-317</a> <a href="#">Administrative Letter 1990-3</a>	Forms must be filed at least 30 days prior to the proposed effective date and will be approved or disapproved within 30 days of receipt by the Bureau. This 30-day period may be extended by the Bureau in writing for an additional 30 days if necessary. The cover letter must request implementation based on "policies effective" on and after a specific date which is at least 30 days after the filing will be received by the Bureau.
Contents of Policies	<a href="#">§ 38.2-305</a> <a href="#">§ 38.2-310</a>	The policy must include all conditions pertaining to the insurance. All fees, charges, premiums or other consideration charged for the insurance must be stated in the policy.
Restrictions of Coverage Prohibited	<a href="#">§ 38.2-2223</a> <a href="#">§ 38.2-2224</a>	Insurer's independent forms or endorsements must broaden the coverage provided by the Virginia standard forms or provide additional coverage not contained in the standard forms. Such independent forms shall not conflict with the standard forms and shall be in no respect less favorable to the insured than the standard forms.

Permissive Users	<a href="#">§ 38.2-2204</a>	Coverage must be provided for permissive users of owned motor vehicles, aircraft, or watercraft, if applicable.
Clear and Unambiguous Language	<a href="#">§ 38.2-317</a>	Policy forms and endorsements shall not contain misleading, inconsistent, ambiguous, unclear, or deceptively worded provisions, exceptions, or titles. Endorsements amending Virginia standard forms shall track the structure and language and cite the titles and specific sections of the forms being amended.
Countersignature	<a href="#">§ 38.2-323</a>	Countersignature requirements are prohibited in Virginia. Forms must not contain provisions that deem the policy invalid due to the absence of the signature or countersignature of an agent or company representative.
Line of Authority	<a href="#">§ 38.2-124</a>	The coverage provided must be included in the definition of Motor Vehicle insurance and the company must be licensed to write this line of insurance.
<b>Liberalization Clause</b>		
Required	<a href="#">§ 38.2-2220</a>	This provision is included in the Virginia standard auto forms.
<b>Loss Settlement</b>		
Refer to Virginia Standard Commercial Auto Forms	<a href="#">§ 38.2-2223</a> <a href="#">§ 38.2-2224</a>	Loss settlement provisions must be no less favorable to the insured than the provisions set forth in the Virginia standard forms. Provisions more favorable to the insured may be submitted for approval.
<b>RATING</b>		
<b>Pricing</b>		
Rates are File-and-Use Certification Required	<a href="#">§ 38.2-1906</a> <a href="#">§38.2-1904</a> <a href="#">Administrative Letter 1987-11</a>	Rates must be filed on or before the proposed effective date and shall not be excessive, inadequate, or unfairly discriminatory. A completed and signed Form COF-1 must be provided.
Rates may be exempt from filing requirements if the minimum premium requirements set forth in Administrative Order 10210 are met.	<a href="#">Administrative Order 10210</a>	
Specific Rates Required	<a href="#">§ 38.2-1906</a>	Ranges of rates are not permitted.
<b>Capping Rate Increases</b>	<a href="#">§ 38.2-1906 F</a>	<b>An insurer may limit for renewal policies any rate increase that would otherwise apply for a period of time specified in the filing.</b>
“Refer to Company” References	<a href="#">Administrative Letter 1985-11</a>	“Refer to Company” rules must indicate resulting rates must be filed with the Bureau prior to use.
Rules for Forms	administrative requirement	A rating rule must be filed for every premium-bearing endorsement.
Premium Waiver Rules	<a href="#">Administrative Letter 1983-12</a>	Return premiums must be paid upon request and the named insured must be notified that a return premium is available.
Rate Service Organization Reference Filings	<a href="#">Administrative Letter 1990-5</a>	Form VA RFA-1 must be completed for all loss costs multiplier filings. The applicable RSO reference filing number must be cited. All filings of exceptions to RSO filings, including delays of adoption, must include the applicable RSO reference filing number.
<b>Rating Plan Requirements</b>		
Experience and Schedule Rating Plans	<a href="#">§ 38.2-1901</a> & <a href="#">§ 38.2-1904 C</a> <a href="#">Administrative Letter 1983-9</a> <a href="#">Administrative Letter 1998-14</a> <a href="#">§ 38.2-1905</a>	Maximum total credits/debits must be specified. Rules must state how modifications will be combined (additively or multiplicatively) and whether expense modifications are included in, or separate from, such plans. Safe driver plans may not be used with commercial auto policies unless they can be maintained in compliance with <a href="#">§ 38.2-1905</a> .
Documentation Required	<a href="#">Administrative Letter 2001-12</a>	Insurers must obtain documentation to support schedule debits and credits and update said documentation at renewal.

Expense Reduction Plans	<a href="#">§ 38.2-1904 E</a>	Insurers may reduce premiums to reflect an agent's reduction of commission.
Composite Rating Plans	<a href="#">§ 38.2-1906</a>	Composite rating plans must be filed and must contain specific rules for development of composite rates.
<b>General Filing References</b>		
Cover Letter	<a href="#">Administrative Letter 1983-7</a> <a href="#">Administrative Letter 1990-3</a>	The cover letter must contain the NAIC number and full company name of each company for which the filing is submitted. The cover letter must request implementation based upon "policies effective" on and after a specific date.
Third Party Filers	administrative requirement	Third party filers must provide a signed letter of authorization or a signed filing authorization form. The form is included in the Virginia Filing Guidelines Handbook.
Forms List Withdrawing or Replacing Forms or Manual Pages	administrative requirement	An updated list of forms, including titles, form numbers, and edition dates, must be provided with every filing that includes forms. Virginia standard forms need not be included in the list unless form numbers or titles are changed (in which case a cross-reference must be provided). Mandatory forms may be indicated as such by use of an asterisk or other symbol, in lieu of a rule. The cover letter should indicate whether any forms or manual pages are being replaced or withdrawn.
Copies, Return Envelope	administrative requirement	A complete copy of the filing must be provided for each company for which the filing is submitted. An extra copy of the cover letter must be included for acknowledgement, along with a postage-paid return envelope.

Access to Administrative Letters, Administrative Orders, Regulations and Laws is available at  
<http://www.scc.virginia.gov/division/boi/webpages/boiadministrativeltrs.htm>

The Commercial Casualty Rates and Forms Section handles commercial auto filings. Please contact this section at (804) 371-9298 if you have questions or need additional information about this line of insurance.

**CERTIFICATION OF FILING**

I hereby certify that I have reviewed the attached commercial auto insurance filing and determined that it is in compliance with the commercial auto checklist.

**Signed:** \_\_\_\_\_

**Name (please print):** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Company Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Phone No. ( )** \_\_\_\_\_ **FAX No. ( )** \_\_\_\_\_

**E-Mail Address:** \_\_\_\_\_