

Commercial Miscellaneous Property  
Virginia Filing Checklist

REVIEW REQUIREMENTS	REFERENCE	COMMENTS
<b>FORMS</b>		
<b>Applications</b>		
Are not subject to the review or approval of the Virginia BOI	<a href="#">§ 38.2-305</a> <a href="#">§ 38.2-317</a>	An application for insurance is not a “policy form” or “endorsement” under the provisions of Virginia law. In order to satisfy Virginia's form filing requirements, all coverages, terms, exclusions, and conditions of the policy must be contained in the policy forms and/or endorsements. It is the insurer's responsibility to make sure that any provisions in an application have also been approved in the policy forms or endorsements.
Fraud Statement Required	<a href="#">§ 52-40 B</a>	Fraud language must be included in every application. If the company's fraud notice uses wording other than the statutory wording, the Fraud Bureau of the Virginia State Police must approve the revised language. 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 and/or Appraisal Provisions Prohibited	<a href="#">§ 38.2-312</a> <a href="#">Administrative Letter 1998-12</a>	Arbitration and/or appraisal provisions are allowed, but the result of the arbitration or appraisal cannot be stated as binding in the policy. Binding arbitration between insurance companies is acceptable.
<b>Bankruptcy Provision</b>		
N/A to These Lines		
<b>Cancellation &amp; Nonrenewal</b>		
No Statutory Requirements		
Calculation of Return Premium	<a href="#">§ 38.2-305</a>	The method of calculation of return premium upon cancellation must be clearly stated in the policy.
<b>Filing Standards</b>		
30-Day Prior Approval	<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. 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.
Line of Authority	<a href="#">§ 38.2-111.A</a>	This coverage must be included in the definition of miscellaneous property and the company must be licensed to write that line of insurance. This line includes Crop-Hail coverage and Leased Vehicle Residual Value Protection Coverage (indemnifies the lessor of a leased motor vehicle for unforeseen loss to the anticipated value of the vehicle at the end of the lease.) Product Recall if a standalone coverage is miscellaneous property.
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.
Type Size	<a href="#">§ 38.2-311</a>	All policy forms and endorsements must be printed in 8 point or larger type.

Countersignature	<a href="#">§ 38.2-323</a>	No insurance policy shall contain any provision that deems a policy to be invalid due to the absence of the signature or countersignature of an agent or company representative.
Large Commercial Risk Form Exemption	<a href="#">§ 38.2-1903.1</a>	Exemption for large commercial risk meeting defined criteria from the filing of forms. The forms must continue to meet all provisions of the Code of Virginia.
Liberalization Clause		
Not Required		
Loss Settlement		
Limiting Time to Bring Action	<a href="#">§ 38.2-314</a>	No provisions shall limit the time to bring action to less than one year after a loss occurs or a cause of action accrues.
RATING		
Pricing		
Rules and Rates Are File and Use and The Following Requirements Apply:	<a href="#">§ 38.2-1904</a> <a href="#">§ 38.2-1906</a>	Rates must not be excessive, inadequate, or unfairly discriminatory. Rates must be filed on or before the proposed policy effective date.
Certification Required	<a href="#">Administrative Letter 1987-11</a>	A completed and signed COF-1 form must be provided for all rate filings except for installment fees, minimum premiums or waivers of premium.
Rates for Coverage for Year 2000 Related Computer and Other Electronic Problems Are Exempt from Filing Requirements.	<a href="#">Administrative Order 11293</a>	Rates must not be excessive, inadequate, or unfairly discriminatory.
Commercial Public Event Cancellation Rate And Supplementary Rate Exemption	<a href="#">Administrative Order 11644</a>	Rates and supplementary rate information for Commercial Public Event Cancellation Insurance are exempt from filing requirements. Rates must not be excessive, inadequate or unfairly discriminatory.
Large Commercial Risk Rate, Supplementary Rate Information Exemption	<a href="#">§ 38.2-1903.1</a>	Exemption for large commercial risk meeting defined criteria from the filing of rates and supplementary rate information. The rates and supplementary rate information must continue to meet all provisions of the Code of Virginia.
Capping Rule	<a href="#">§ 38.2-1906 F</a>	Insurers are permitted to file a rule to limit any rate increase for its renewal policies. The filing must specify the period of time during which the rate cap will apply (not to exceed five years.)
Rules for Forms	Administrative Requirement	A rating rule must be filed for every premium- bearing endorsement.
Specific Rates Required	<a href="#">§ 38.2-1906</a>	Rates must be specific. Ranges of rates are not permitted.
Premium Waiver Rule	<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 to adopt or delay (if filed for future) rate service organization (RSO) reference loss costs filings. The applicable RSO reference filing number for the latest applicable loss costs filing must be cited.
Tiered Pricing Programs	<a href="#">§ 38.2-1904</a> <a href="#">§ 38.2-1906</a>	Tiered Pricing within the same company is allowed. However, the company must provide eligibility requirements for each tier for new and renewal business. Insurers are required to “re-underwrite” at renewal to determine the appropriate rates are applied. See the Virginia Filings Guideline Handbook for further explanation.
“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.

Installment Payment Plans	<a href="#">§ 38.2-310</a> <a href="#">Administrative Letter 1993-6</a>	Insurers must file all available payment plans including down payment options, installment options and any applicable service fees. One filing may be made for all lines of insurance if the lines are noted in the filing.
<b>Rating Plan Requirements</b>		
Experience and Schedule Rating Plans	<a href="#">Administrative Letter 1983-9</a> <a href="#">Administrative Letter 2001-12</a>	Maximum total credit/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.
Expense Reduction Plans	<a href="#">§ 38.2-1904 E</a>	Insurers are permitted to use expense reduction plans. Expense reduction plans permit agents to reduce their commission, thus lowering the premium to be charged to the insured. Such plans must be filed as part of the insurer's manual of rates and supplementary rate information. Each available reduction level must be specified. The plan should specify if the commission level applies to new or renewal business or both. The plan must represent a reduction in premium for each expense reduction level; increases are not acceptable.
<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 the full company name of each company for which the filing is submitted. The cover letter must request implementation based on "policies effective" on and after a specific date.
Third Party Filers	Administrative Requirement <a href="#">VA Filing Guidelines Handbook</a>	Third party filers must provide a signed original letter of authorization or a signed authorization form. The form is included in the Virginia Filing Guidelines Handbook.
Form's list Withdrawing or Replacing Forms or Manual Pages	Administrative Requirement	An updated list of forms in numerical order, including form numbers, edition dates, and titles, must be provided with every filing that includes forms. The notation of "mandatory" or "optional" for non-premium bearing forms on the form's list suffices for a manual rule. The cover letter or filing memorandum letter should indicate whether any forms or manual pages are being withdrawn or replaced.
Copies, Return Envelope	Administrative Requirement	A complete copy of the filing must be provided for each company for which the filing is being submitted. An extra copy of the cover letter must be included for acknowledgement, along with a postage-paid envelope.
Independent Forms Amending RSO Forms Must Track. Amendments to RSO Rules Must Also Track.	<a href="#">§ 38.2-317.B.3</a> <a href="#">§ 38.2-1906</a>	Independent forms amending an RSO form must track the form being amended. Likewise, amendments to RSO rules must track and state the specific rule being amended
Rate and/or Rule Pages Required.	Administrative Requirement	The company must provide the rules and/or rates on 8-1/2x11" size paper. The rule and/or rate pages should not be labeled as "Exhibit" or contain similar reference. Rate and rule pages should be labeled with the company or group name and the program type or name.
Filings must be made by line and by program	Administrative Requirement	Filings (other than installment payment plans) must be made separately by line of insurance and/or by program and include a complete copy of the filing for each company to which it applies. Group filings must be sorted and collated by company. This also applies to replies to correspondence and to re-submissions.

Access to Administrative Letters, Administrative Orders, Regulations and Laws is available at  
<http://www.state.va.us/scc/division/boi/webpages/administrativeltrs.htm>

The Commercial Multiline Rates and Forms Section handles commercial miscellaneous property insurance programs. 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 Miscellaneous Property filing and determined that it is in compliance with the items listed in the Commercial Miscellaneous Property Review Standards Checklist.

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

Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

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

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