

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES
REVIEW STANDARDS FOR COMMERCIAL AUTOMOBILE

LINE OF BUSINESS: Commercial Auto

CODE: 20.0

| | |
|------------------------|----------------|
| LINE(S) OF INSURANCE | CODES |
| <u>Commercial Auto</u> | <u>20.0000</u> |
| <u>Combinations</u> | |
| <u>Business Auto</u> | <u>20.0001</u> |
| <u>Garage</u> | <u>20.0002</u> |
| <u>Other</u> | <u>20.0003</u> |
| <u>Truckers</u> | <u>20.0004</u> |

IF CHECKLIST IS NOT APPLICABLE, PLEASE EXPLAIN:

| REVIEW REQUIREMENTS | REFERENCE | DESCRIPTION OF REVIEW STANDARDS REQUIREMENTS | LOCATION OF STANDARD IN FILING |
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| GENERAL REQUIREMENTS FOR ALL FILINGS | | The following web site represents the Department's initiative to streamline the procedures for form, rate and rule filings: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | Form/Page/Para Reference |
| COVER LETTER AND EXPLANATORY MEMORANDUM | CL 11 (1998) | The filing should include a cover letter, and an explanatory memorandum clearly explaining the intent of the filing, and highlighting any substantive changes (such as changes in ratemaking methodology or major coverages provided). If new form(s), territories, classification(s), or rule(s) are being filed and there are similar ones currently approved for use by a Rate Service Organization (RSO) or another insurer, or has been the subject of a filing previously not approved in New York, reference should be provided to the Department's file number or SERFF tracking number and effective date of the approval, or copies of the approved items should be included, if applicable. If the filing is currently in use in another state, this should be indicated. | |
| EXCLUSIONS & LIMITATIONS | 11NYCRR 60-1 (Reg 35-A) | Regulation 35-A contains a list of permissible exclusions. Please refer to Item I.a.8. & I.b. of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Asbestos | 11NYCRR 60-1(Reg 35-A) | Not permitted by the Regulation | |
| Discrimination | 11NYCRR 60-1 (Reg 35-A) | Not permitted by the Regulation. Please refer to Item I.a.8. & I.b of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Intentional Acts | 11NYCRR 60-1 (Reg 35-A) | Required by the Regulation. Please refer to Item I.a.15. & I.b.5.(ii) of the the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Mold | 11NYCRR 60-1 (Reg 35-A) | Not permitted by the Regulation | |
| Punitive Damages | Court of Appeals - Hartford A&I v. Village of Hempstead, New York 2nd 218, 1979 | Allowable for public policy considerations. Please refer to Item I.b.5.(i) of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |

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| Terrorism | 11NYCRR 60-1(Reg 35-A) | Not permitted by the Regulation. | |
| FILING SUBMISSION | §2305 & §2307 CL 19 (1992) Supplement No 1 to CL 11 (1998) | Forms, territories, classifications, rating rules, rates and rating plans are subject to prior approval. | |
| Compliance Questionnaires, Forms and Optional "Speed to Market" Filing Procedures | CL 11 (1998) Supplement No 3 to CL 11(1998) | Please refer to the following web site for additional information: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| NO FILE OR FILING EXEMPTIONS | Article 63 11NYCRR16 (Reg. 86) | An authorized insurer must obtain a "Special Risk License" prior to writing business in the "Free Trade Zone". Such business shall be limited to a Special Risk defined as either a Class 1 risk, Class 2 risk as enumerated in the list contained in Regulation 86, or a Class 3 risk. Although filing is not required for a Class 1 risk or a Class 2 risk, rates and policy forms applied to special risks must still satisfy governing standards set forth in the Insurance Law and regulations. If it is a class 3 risk then the company is required to file for information only any form that has not been previously filed with the Superintendent within three business days after the first delivery of a policy using such form, but no later than 60 calendar days after the inception date of such policy. It should be noted that any policy form that an insurer previously filed with the Superintendent and that the Superintendent disapproved or rejected or that the insurer withdrew will not be considered to have been previously filed with the Superintendent. | |
| PROHIBITED COVERAGES | | While the Department does not have an exhaustive list, some examples of prohibited coverages include punitive damages and corporal punishment. Please refer to the following web site for additional information: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Indemnification Policy | §3420 | Is not permitted. Liability coverage must be provided on a pay on behalf basis. Please refer to Item I.a.1 of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| SIDE BY SIDE COMPARISON | CL 11 (1998) | If the filing is a revision to existing form(s), territories, classification(s) or rule(s); Except for simple, non-substantive changes, a side-by-side comparison of the form(s) or rule(s) being proposed and those currently in use in New York, with all changes clearly marked and explained in the company's cover letter or memorandum must be included. Revisions to classifications and territories should include a comparison between those currently on file (in New York) and those proposed, including relevant statistical data (experience) and any rate or rate relativity effect. There should be a reference to the Department's previous file number and/or a copy of the approval letter in which the current form(s), territories, classification(s) or rule(s) were approved/acknowledged. | |
| FORMS: POLICY PROVISIONS | §2307, §2610, §3411, §3412, §3420, §3426, & Article 51 11 NYCRR 60-1 (Reg 35-A) | The Commercial Auto Liability and Physical Damage Coverages Form Filing Compliance Questionnaire contains detailed information for making a Commercial Auto Liability and | Form/Page/Para Reference |

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| | 11NYCRR60-2 (Reg 35-D) 11 NYCRR 216 (Reg 64) 11NYCRR65 (Reg. 68-A) 11NYCRR67 (Reg. 79) 11NYCRR71(Reg. 107) | Physical Damage Coverages filing including required policy provisions, exclusions, prohibited coverages, and standard language, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| APPLICATIONS | | | |
| Filing exemption | §2307(b) | Applications which do not become part of the policy are exempt from filing requirements | |
| Fraud Warning Statement | §403(e) 11NYCRR86.4(Reg. 95) | All applications must contain the prescribed fraud warning statement as set forth in Section 86.4(b) of Regulation 95, which must be incorporated immediately above the applicant's signature. | |
| ARBITRATION | | | |
| No-Fault Coverages | 11NYCRR65 (Reg 68-A) | Required provisions contained in endorsements as prescribed by the Regulation. | |
| Other coverages | | Except for No-Fault coverages (see above), not required, although generally contained in most policies / coverages. Arbitration of disputes between an insured and the insurer may not be required. | |
| BANKRUPTCY PROVISIONS | | | |
| Insolvency or bankruptcy clause | §3420(a)(1) | Policy must contain a statement indicating that the insolvency or bankruptcy of the insured or the insured's estate does not release the insurer from its' contractual obligation to pay damages covered under the policy. Please refer to Item I.a.2 of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| BLANK ENDORSEMENTS | | Not permitted since a blank endorsement may change policy provisions without the proper approval by this Department. An exception may be made for a blank form if its usage is apparent based on the title/language of the form itself (such as a change in address form). Forms containing check boxes with a space for language to be added are considered blank endorsements and are subject to these rules. | |
| CANCELLATION & NON-RENEWAL | §3426 CL 14 (1986) CL 11(1989) Supplement No 1 to CL 11(1989) | The Cancellation & Nonrenewal provisions apply to all commercial risk policies including policies issued or issued for delivery in New York covering risks with multi-state locations where the insured is principally headquartered in New York or the policy provides that New York Law will govern. Please refer to the Commercial Lines Cancellation and Nonrenewal Form Filing Compliance Questionnaire for detailed cancellation and nonrenewal requirements, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |

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| Notice of Cancellation | §3426(b), (c), (h)(2), (g) & (l) | The cancellation provisions must comply with the statutory requirements for the content of the notice (including loss information), proof of notice, special provisions, and time frame for giving notice. Any notice which fails to include a provision required by Section 3426 shall not be an effective notice of cancellation. Please refer to Item I.A of the Commercial Lines Cancellation and Nonrenewal Form Filing Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Notice of Non Renewal | §3426(e), (g), (h)(2) & (l) | The nonrenewal provisions must comply with the statutory requirements for the content of the notice (including loss information), proof of notice, special provisions, and time frame for giving notice. Any notice which fails to include a provision required by Section 3426 shall not be an effective notice of nonrenewal. Please refer to Item I.B of the Commercial Lines Cancellation and Nonrenewal Form Filing Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Required Policy Period | §3426(a)(2) & (d)(2) | A required policy period means a period of one year from the date as of which a covered policy is renewed or first issued. A policy issued for less than one year must be in compliance with statutory reasons outlined in §3426(d)(2). Please refer to Item II of the Commercial Lines Cancellation and Nonrenewal Form Filing Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Permissible Reasons for Cancellation | §3426(b), (c) & (h) | A policy may be cancelled for any valid underwriting reason during the first 60 days a policy is in force. After the first 60 days, reasons for cancellation are limited to statutory references. Please refer to Item I.A. 2 of the Commercial Lines Cancellation and Nonrenewal Form Filing Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Permissible Reasons for Non Renewal | §3426(e) & (h) | A valid underwriting reason must be specifically listed in notice. Please refer to the Commercial Lines Cancellation and Nonrenewal Form Filing Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Conditional Renewal | §3426(e)(1)(B) | A conditional renewal notice is required for any change in the policy less favorable to the policyholder. Such notice must contain the specific reason or reasons for conditional renewal and must comply with the statutory requirements for the content of the notice (including loss information), proof of notice, special provisions, and time frame for giving notice. Please refer to Item I.B.2 of the Commercial Lines Cancellation and Nonrenewal Form Filing Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Suspension | VTL §311 | Mandatory Coverages (liability & no-fault) may only be suspended (by endorsement) if the vehicle's license plates are surrendered. Although not a requirement in the Law, insurers will generally not issue a suspension unless they receive proof of plate surrender. | |

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| CLAIMS MADE | 11 NYCRR 60-1 (Reg 35-A) 11 NYCRR 73 (Reg 121) | Claims-made coverage is prohibited for motor vehicle liability policies. | |
| DEFENSE | | | |
| Duty to Defend | 11NYCRR 60-1.1(b) (Reg. 35-A) 11NYCRR71(Reg. 107) | The insurer has the duty to defend all claims to which the policy applies. A defense must be provided even if allegations are groundless. A complete defense must be provided for a claim, which involves both covered and uncovered allegations, and no allocation of defense costs is permitted. Also see Item I.a.12 & 18.of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Defense-Within-Limits | 11NYCRR71.2 (Reg. 107) | Motor vehicle liability policies may not be written on a defense within limits basis. | |
| DEFINITIONS | | | |
| Loading & Unloading | §2307(b) | The term "Loading & Unloading" must remain undefined. | |
| Insured | 11NYCRR 60-1.1(c) (Reg 35-A) | Please note the definition of the "Insured" must comply with the minimum provisions of Section 60-1.1(c) of Regulation 35-A. Please refer to Item I.a.9. of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| EXCESS COVERAGE | 11NYCRR 60-1.1(a) (Reg 35-A) | Due to financial responsibility laws, policy must provide primary coverage for any owned automobile(s). | |
| FRAUD WARNING | §403(d) 11NYCRR86.4(Reg. 95) | None required on Commercial Auto Policy Forms or applications (only claim forms). | |
| FORMS MISCELLANEOUS | | | |
| Numbered Forms | §2307(b) | All policy forms and endorsements filed with the Department must include an identification number. Please refer to Item I.g.5 of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Unlicensed Companies | §2307(b) | All policy forms and endorsements filed with the Department may only include the names of insurers licensed in the State of New York. Please refer to Item I.g.2 of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |

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| FICTITIOUS GROUPS | §3435 11NYCRR301(Reg. 134) 11NYCRR153(Reg. 135) | The provisions of §3435 and Regulations 134 and 135 do not permit fictitious groups. The issuance of group property & casualty insurance is limited to either not-for-profit or municipality insureds, or purchasing groups formed under the Federal Liability Risk Retention Act of 1986 or quasi-group policies through a mass merchandising, safety group or similar program, in connection with State law or a Federal purchasing group. | |
| GROUP POLICIES | §3435 11NYCRR301(Reg. 134) 11NYCRR153(Reg. 135) | The provisions of §3435 and Regulations 134 and 135 do not permit fictitious groups. The issuance of group property & casualty insurance is limited to either not-for-profit or municipality insureds, or purchasing groups formed under the Federal Liability Risk Retention Act of 1986 or quasi-group policies through a mass merchandising, safety group or similar program, in connection with State law or a Federal purchasing group. Group policies must comply with the provisions of Regulations 134 & 135 including the following: general requirements, group policy minimum standards, premium collection and payment, dividend plans and form and rate filings requirements. | |
| LIBERALIZATION CLAUSE | | | |
| LIMITS | | | |
| Policy Limits | §§311 & 370 VTL; CL 18 (1998) | Minimum limits 25,000/50,000 BI and 10,000 PD & 25/50 UM. Higher limits apply to some for-hire (livery) vehicles. See Section 370 of VTL; NOTE: For New York City Livery Vehicles, required minimum limits are \$100,000/300,000 BI Liability & \$200,000 No-Fault per NYC Taxi & Limousine Commission Rules. | |
| Sublimits | | Full limits of the policy must be available to all insureds, cannot provide differing limits for different insureds; with the following exception - for auto dealership policies, coverage afforded for customers' use of vehicles may be limited to the minimum limits for such insureds, if no other coverage is available from customer's policy. | |
| LOSS SETTLEMENT | 11 NYCRR 216 (Reg 64) | For First-Party Physical Damage claims, see Items I.d. and I.e. of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Action Against Company | 3420(a)(2) & 3420(b) 11 NYCRR 60-1.3(f) (Reg 35-A) | If judgment against an insured is not satisfied within 30 days, an action can be brought against an insurer. (Please refer to items 1.a.3. and 1.b.1 of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers.); [Discretionary provision - insured must comply with all terms of policy and amount of obligation must be determined before action can be taken]. | |
| After Market Parts | 11 NYCRR 216.7 (Reg 64) | No required language, but claim procedures outlined in the Regulation must be followed. | |
| Appraisal | 11 NYCRR 216.7 (Reg 64) | Procedures in Regulation must be followed. | |
| Arbitration | | Not required (except for No-Fault), but is found in most policies. | |

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| Deductibles | §3411(k) 11 NYCRR 60-1.1(g) (Reg 35-A) | <u>On private passenger type vehicles only</u> , a "standard" deductible option of \$200 must be offered, as well as \$250, \$500 & \$1,000 options, and at least one option below \$200; minimum permissible deductibles are \$100 for collision and \$50 for comprehensive. For liability deductibles, company must pay claim to third party and then seek reimbursement from named insured in order to satisfy financial responsibility law and regulation. NOTE: Per Regulations 35-A & 107, deductible may not be applied against defense costs. | |
| Loss Valuation | 11 NYCRR 216 (Reg 64) | No required language, but claim procedures outlined in Regulation must be followed. | |
| Notice Requirements | §3420(f)(2)(B) §3440(d)(1)&(2) 11NYCRR60-2(Reg 35-D) 11NYCRR65-1.2(b) (Reg 68-A) | These sections require notices to the policyholder on various topics; however, these are not policy forms subject to approval. Please refer to the Declarations Page Requirements of the Commercial Auto Declarations Page Form Filing Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers . | |
| Notification of Claim | §3420(a)(3)(4)(5)&(6) | The policy must contain the various liability provisions set forth in Section 3420 (a)(3)(4)(5) and (6). Please refer to Item I.a.4., 5., 6., and 7. of the Commercial Auto Liability And Physical Damage Compliance Questionnaire, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers . | |
| MEDICAL PAYMENTS | | Not a required coverage, although commonly provided as optional. | |
| MORTGAGEE/ LIENHOLDER | | Not required, although policy may add lienholder as additional insured for physical damage coverages when required by the lienholder. | |
| OTHER INSURANCE | 11 NYCRR 60-1.1(g) (Reg 35-A) | Regulation 35-A provides that one of two required provisions be included. | |
| PARTICIPATING POLICIES | §4106 | A participating policy provision is not required. However, when the provision is included, the board of directors may make reasonable classifications of policies in order to issue payment of dividends. Such classifications must be filed for approval and be fair and not unfairly discriminatory. | |
| PERSONAL INJURY PROTECTION | 11NYCRR65 (Reg 68-A) | Prescribed Endorsements in Regulation for Mandatory (Basic) PIP, Additional PIP, OBEL, Basic PIP for Motorcycles and All-Terrain Vehicles. | |
| PRIMARY/UNDERLYING COVERAGE | VTL§311 11 NYCRR 60-1.1(g) (Reg 35-A) | Commercial Auto liability coverage must be primary, except with respect to hired/nonowned autos and for customers of an auto dealership [see also "Other Insurance" and "Sublimits" above]. | |
| UNINSURED/ UNDERINSURED MOTORISTS | §3420(f) 11NYCRR60-2 (Reg 35-D) Supplements 1 & 2 to CL 15 (1995) | Language for these coverages is prescribed by statute and may not deviate. The form for statutory uninsured motorists coverage is prescribed by the Motor Vehicle Accident Indemnification Corporation (MVAIC) [see Circular Letter 15 & Supplements], and is authorized by NYIL §5206(b); the Supplementary Uninsured/Underinsured Motorists coverage endorsement is prescribed by Department Regulation 35-D (11 NYCRR 60-2). | |
| VALUED POLICIES (STATED AMOUNT/ AGREED VALUE) | 11 NYCRR 216 (Reg 64) | See also "Loss Valuations". Replacement cost may be afforded as long as the potential moral hazards (and safeguards against them) have been considered in the development of the coverage. | |

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| VICARIOUS LIABILITY | CL 6 (1994) | The Department permits coverage for claims of vicarious liability regardless of whether the underlying wrong is intentional or not. | |
| VOIDANCE | §3105 & §3106 | May not void a policy unless the misrepresentation is material. No misrepresentation shall be deemed material unless knowledge by the insurer of the facts misrepresented would have led to a refusal by the insurer to make such contract; however, an automobile liability policy cannot be "voided" in respect to the third-party's protections (BI & PD), pursuant to case law and Regulation 35-A. | |
| WARRANTIES | §3106 | A breach of warranty shall not void a policy unless the breach of warranty is material. See also "VOIDANCE". | |
| RATES & RATING PLANS | §2304 & §2344 11NYCRR161(Reg. 129) Circular Letter No. 5 (2009) | All rates, rating plans, and rating rules filings must be submitted in accordance with the instructions of Circular Letter No. 5 (2009) which outlines the new mandatory filing procedures effective March 10, 2009. These procedures contain the minimum required information that must accompany all rate, rating plan, and rating rule filings. Rate filings must include appropriate supporting information as outlined in the Rate Filing Sequence Checklist. Please note the relevant requirements contained in Section 2304 of the New York Insurance Law. For commercial lines filings subject to flex-rating under Section 2344, please also refer to Regulation 129 (11 NYCRR 161). Please refer to the following web site for additional information at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers . | Form/Page/Para Reference |
| ADOPTIONS OF RATE SERVICE ORGANIZATIONS (RSO) FILINGS | | | |
| Me Too Filings | §2306 11 NYCRR 161.7 (Reg. 129) | The insurer may discharge its rate filing obligation by giving notice that it uses rates and rate information prepared by a designated rate service organization. Please refer to Regulation 129 for the filing of rates and the relation and role of rates published by a rate service organization and the Department's web site for additional filing information at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers . | |
| CONSENT-TO-RATE | §2309 | The application for an excess rate is subject to prior approval. In addition, the application must include the insured's reasons and the application must be signed by the insured. | |
| CREDIT SCORING AND REPORTS | | The use of credit scoring and reports is limited to the initial underwriting and/or initial tier placement of the risk. | |

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| INDIVIDUAL RISK RATING | §2305 11NYCRR161.12 (Reg. 129) | Individual Risk Submissions not subject to prior approval shall not filed with the Department. All such information shall be retained in the insurer's individual underwriting file for each policy issued for a period of five years from the date of first issuance of such policy. | |
| Prior approval | CL 4 (1996) | All Individual Risk Submissions subject to prior approval form must include Form 129-C.doc, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| PRICING | §2304 & §2344 11NYCRR161 (Reg. 129) CL 19 (1992) & CL 4 (1996) | The following web site contains the mandatory filing procedures: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Minimum Premium Rules | | Minimum Premium Rules- the submission should evidence the relationship between the amount charged as a minimum premium and the costs associated with producing the policy or coverage. Return Premium/Minimum Earned Premium Rules - the submission should specify that the policy will be pro-rated or short-rated due to mid-term termination of the policy. Premium may be considered fully earned only for policies insuring special events that are only a few days in length. | |
| Multi Tiering | | Eligibility requirements for each tier must be submitted. The tier eligibility requirements must be specific and mutually exclusive, so that no insured would be eligible for more than one tier. The rate effects of the tier eligibility requirements should not be duplicated in any rating plans. Justification must be provided for the rate differential for each tier. | |
| Payment Plans | | Payment plans are outside of the rating structure, and do not have to be filed with the Department or included as part of the manual rates. | |
| Service Charges | | Late payment fees, reinstatement fees, and premium installment fees are to be classified as service fees that are outside of the rating structure, and do not have to be filed with the Department or included as part of the manual rates. | |
| RATING PLAN REQUIREMENTS | §2344 11NYCRR161.8(Reg. 129) | Rating plans are subject to prior approval. Even if the insurer is adopting a rating plan from a Rate Service Organization (RSO) without modification, such plan is subject to the prior approval requirements. | |
| Composite Rating | | For rating plan rules and standards, please refer to Regulation 129 and item RP-1 and RP-2 of the Rate Filing Sequence Checklist , available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Expense Reduction Plan | | For rating plan rules and standards, please refer to Regulation 129 and item RP-1 and RP-2 of the Rate Filing Sequence Checklist , available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |

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| Experience Rating | | For rating plan rules and standards, please refer to Regulation 129 and item RP-1, RP-2 and RP-3 of the Rate Filing Sequence Checklist , available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| IRPM | | For rating plan rules and standards, please refer to Regulation 129 and item RP-1 and RP-2 of the Rate Filing Sequence Checklist , available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Loss Rating | | For rating plan rules and standards, please refer to Regulation 129 and item RP-1 and RP-2 of the Rate Filing Sequence Checklist , available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Retrospective Rating | | For rating plan rules and standards, please refer to Regulation 129 and item RP-1 and RP-2 of the Rate Filing Sequence Checklist , available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| Schedule Rating | | For rating plan rules and standards, please refer to Regulation 129 and item RP-1 and RP-2 of the Rate Filing Sequence Checklist , available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |
| RATE/LOSS COST SUPPORTING INFORMATION | | | |
| Actuarial or other Rate Support | 11NYCRR161(Reg. 129) CL 19 (1992) Circular Letter No. 5 (2009) | Rate making and supporting information for rates, rating plans, and rating rules must be organized into exhibits, which follow a sequential numbering system. The Rate Filing Sequence Checklist and the related instructions prescribe the required format used to support rate, rating plan, and rating rule filings, available at: Rate, Form, Territory, Classification and Rule Filing Instructions for Property/Casualty Filers. | |