

NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES

PRODUCT OR SYSTEM GROUP POLICIES FILING COMPLIANCE QUESTIONNAIRE

COMPANY	Co. File No.
Company Contact:	Phone Number:
E-Mail Address:	

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. 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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III. Rates, Rules, Territories, Classifications

- a. The filing must include all applicable rates, rating plans, rating rules, territories and classifications. [310.3(b)] YES NO
- b. Rating information for "a" rated risks shall be maintained in company files [310.3 (b)(3)]. YES NO
- 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 NO
- 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 NO

IV. Certificate

- a. Certificate form must be submitted for approval. [310.3(a)] YES NO
- 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 NO
- c. Certificate must contain conspicuous notice that coverage cannot duplicate other applicable coverage the member may already have. [310.4(c)] YES NO
- d. Certificate must contain conspicuous notice with phone number and claim procedures to be followed. [310.4(d)] YES NO
- e. Individual certificate may not be cancelled, nonrenewed or conditionally renewed, even if group policy is terminated. [310.5(c)(1)] YES NO
- 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 NO

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 NO
- b. Filing should include description of entire program's operation, including payment of premiums and recording of registered insureds. YES NO
- 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 NO
- d. Is there a provision requiring that disputes between the company and insured be resolved through arbitration? YES NO

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