

# ARIZONA PROPERTY AND CASUALTY

## GENERAL INSTRUCTIONS

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## KEYS TO SUBMITTING A COMPLETE AND ACCURATE FILING

1. **Make sure the insurer holds an Arizona Certificate of Authority.** Use the DIFI License Search web page (<https://difi.az.gov/license-search>) to verify the insurer's license status.
2. **Only submit one product in each SERFF filing.** Consistently use the product name and product ID for all subsequent filings.
3. **Utilize the New Product filing type** – When first entering the market or introducing a new product or endorsement that initially establishes the forms, rates and rules for the new product or endorsement. Subsequent filings would then use the individual filing types.
4. **For New Product Filings do not use “TOI 30” (Combination filing).** Each SERFF submission can only involve one type of insurance (“TOI”). For example, we will no longer accept filings of combined personal auto and homeowners' policy. Only existing products/programs previously filed under this TOI will be accepted for review.
5. **Do not use “TOI 35” (Interline filings).** All filings must be associated with a single TOI and product.
6. **Do not use “TOI XX Sub-TOI Combinations** for filing type **Rate or Rate/Rule** for Homeowners, Personal Auto, Med Mal, Other Liabilities, Crop Hail, Commercial Auto, Commercial Multi-Perl, Inland Marine or Mortgage Guarantee filings. This ensures that any rate change is assigned to the applicable subTOI
7. **Review the Filing Exemptions** section of this document to determine whether forms, rates, and rules need to be filed (or, instead, are exempt from filing) based on the applicable TOI. Please **do not** submit forms, rates or rules that are exempt from filing requirements (but **do** make sure they meet the requirements of Arizona law).
8. **Read the remainder of this *General Instructions* document**, which provides information and links to laws, rules, bulletins and orders that apply to all property and casualty filings.
9. **Read the *General Filing Checklist***, which lists information that must be submitted with all filings, regardless of the TOI.
10. **Read the specific *TOI Filing Checklist***, which provides additional requirements that apply to the type of insurance for which you are submitting a filing. Use the *TOI Filing Checklist* to ensure that you have included all documents and justifications that must be included before submitting your filing.
11. **Do not submit a filing to replace or update a previously submitted filing that has not been assigned a final disposition** (approved, acknowledged, disapproved or withdrawn).
12. **Do not assume that Arizona law is identical to laws in other states.** Make sure your filing meets the requirements specified in Arizona law.

## DEFINITIONS

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- “**DIFI**” means the Arizona Department of Insurance and Financial Institutions.
- “**General Filing Checklist**” means the requirements that are applicable to all filings, regardless of the type of insurance product.
- “**NAIC**” means National Association of Insurance Commissioners.
- “**SERFF**” means the NAIC System for Electronic Rate and Form Filings.
- “**Sub-TOI**” means sub-type of insurance.
- “**TOI**” means type of insurance.
- “**TOI-specific Filing Checklist**” means the requirements, in addition to those in the General Filing Checklist, that apply to the TOI involved in a filing.

## FILING FEE

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**Arizona does not charge a filing fee;** however, insurers must pay the costs of submitting a filing through SERFF or another third-party provider.

## SIGNATURES

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DIFI accepts the original, electronic or facsimile signature of a company officer.

## PUBLIC ACCESS, COPYRIGHTS, AND CONFIDENTIALITY REQUESTS

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Documents that insurers must file with DIFI are presumed to be public records and are open to public inspection. [A.R.S. § 39-121](#) requires agencies to make public records open to inspection by any person at all times during office hours. DIFI may also make public records available online. [A.R.S. § 39-121.02](#) exposes DIFI and its employees to having to pay attorneys’ fees, expenses and damages if it wrongfully denies access to records.

**Do not mark “confidential” or any other type of restriction on any document you submit.**

**If your filing contains a supporting document that you believe contains confidential information or trade secrets per [A.R.S. Title 44, Chapter 4, Article 1 \(§§ 44-401 through 44-407\)](#), submit the document as a separate item within the “Supporting Documents” section of SERFF accompanied by a letter describing the confidential information or trade secrets contained in the document and the reasons they are trade secrets.**

- If the document qualifies as containing trade secrets, it will be recorded in SERFF as not viewable by the public.
- If the documents identified as containing confidential information or trade secrets are the subject of a public records request or subpoena, our custodian of records

will provide you an opportunity to seek a protective order or other relief from the appropriate court prior to releasing the documents.

Filing Exemptions

The DIFI director has issued orders and regulatory bulletins that may affect your filing (see “[Web Site Resources](#)” toward the end of this document). Certain forms and rates must always be filed and some are exempted from filing.

**Please do not file a rate or form that is exempt from filing**

**Filings that are *Always* required (not subject to exemption)**

Filings are required for some matters regardless of whether the matter is identified in the filing exemption.

**All TOI forms relating to the Terrorism Risk Insurance Act are Non-Exempt.**

Table 1 represents Exhibit A, Paragraph II of [Order 13A-071-INS](#) as amended, the lines of insurance for which filings are always required (and are therefore not exempt from filing).

<b>TABLE 1: Filings are always required</b> (“not exempt”) for the following:
A. <u>All</u> policy rates and forms developed by a rate service organization or advisory organization as defined in <a href="#">A.R.S. § 20-381</a> .
B. Rates and forms of an insurer possessing an Arizona Certificate of Authority for less than two years.
C. Rates and forms of any insurer the Director has expressly directed to comply with the requirements of <a href="#">A.R.S. Title 20, Chapter 2, Article 4.1</a> , regardless of the exemptions set forth in <b>Order 13A-071-INS</b> .
D. Rates and forms of any residual market mechanism or assigned risk plan.
E. Personal insurance rates and forms applicable to homeowners, mobile homeowners, tenants, condominiums, personal automobiles, non-owned automobiles and uninsured/underinsured motorist coverage.
F. Professional liability insurance issued to “health professionals as defined in <a href="#">A.R.S. § 32-3201</a> , including medical malpractice insurance.
G. Provider reimbursement policies intended to insure capitated medical providers for non-reimbursed expenses incurred in connection with the treatment of members.
H. Crop hail insurance, other than Multiple Peril Crop Insurance Program.
I. Business owner’s policies involving rate decreases of 10% or more.
J. Commercial multiple peril insurance issued to hospitals, health maintenance organizations, preferred provider organizations and other health care centers or service organizations.
K. Nursing home liability sold to any of the following (regardless of whether for profit): <ul style="list-style-type: none"> <li>● Skilled or intermediate care facilities;</li> </ul>

- Assisted living facilities with on-premises care;
  - Rest homes with health care;
  - Personal care facilities or residential homes with skilled care or other health care, including adult foster homes;
  - Convalescent homes with continuous nursing or other medical care;
  - Continuing care retirement communities with a nursing home on campus;
  - Any other adult extended care facility that provides nursing or other medical care.
- L. Non-adoption of a rate service organization’s loss costs, rates, rules or forms.

**Filings That Should Not Be Submitted**

For matters not identified in the preceding Table 1, the following are lines of insurance that are exempt as set forth in [Order 13A-071-INS Exhibit A](#).

Although some rates, rules or forms may not need to be filed with DIFI; all forms, rates and rules must meet the requirements of Arizona law. If an insurer uses a non-compliant form, rate or rule, it faces DIFI administrative action, and costs associated with implementing corrective actions and providing restitution to consumers, etc.

**TABLE 2: Filings exempt from filing requirements unless listed in TABLE 1**

A. Commercial forms of casualty insurance listed in <a href="#">A.R.S. § 20-252</a> , including but not limited to boiler and machinery insurance; employee benefits liability coverage; glass insurance; collateral protection; crime insurance; excess and umbrella insurance; family leave insurance unless part of credit unemployment insurance, which is subject to <a href="#">A.R.S. § 20-1609</a> filing requirements; pet insurance; products liability insurance; directors and officers insurance; employment practices liability insurance; nuclear insurance
B. Marine and transportation insurance ( <a href="#">A.R.S. § 20-255</a> ), including inland marine, aviation and ocean marine insurance.
C. Commercial forms of property insurance ( <a href="#">A.R.S. § 20-256</a> ), including but not limited to fire and allied lines insurance, business interruption and difference in conditions coverage, flood insurance, and federal crop multi-peril insurance.
D. Commercial forms of fidelity and surety insurance ( <a href="#">A.R.S. § 20-257</a> ), including but not limited to financial guaranty insurance.
E. Guaranteed asset protection (GAP) insurance and residual value filings.
F. Forms or rates issued by a risk retention group or by any other insurer solely to a risk purchasing group.
G. Commercial automobile insurance.
H. “Consent to rate” risks where, pursuant to <a href="#">A.R.S. § 20-385(E)</a> , an insured may consent to paying a higher rate for the insured’s reasons.
I. Business owners insurance forms, and rates that do not involve a decrease of 10% or more.

J. Any combination of the foregoing exempt rates and forms, except rates and forms that include matters that are not exempt from filing (Table 1).
K. Commercial multiple peril insurance except those excluded from exemption (Table 1, Paragraph J)
L. Dwelling fire insurance
M. Recreational vehicle, personal watercraft, motorhome and travel trailer insurance.
N. Personal umbrella insurance
O. Comprehensive personal liability insurance
P. Mortgage guaranty insurance ( <a href="#">A.R.S. § 20-1541</a> ).
Q. Adoption of, or delay in adopting, rate service organization loss costs, rates, rules or forms for matters exempted from filing requirements.

**Exhibit B provides a summary of exempt and non-exempt filings by SERFF TOI/subTOI.**

### [RATING ORGANIZATIONS, ADVISORY ORGANIZATIONS AND STATISTICAL ORGANIZATIONS](#)

TOI's have been created in SERFF for the above organizations to submit filings as required under by the following: Advisory Organizations [A.R.S. § 20-368\(B\)](#) and [A.R.S. § 20-390](#), Statistical Organizations [A.R.S. § 20-371](#), Rating Organizations [A.R.S. § 20-361](#) and [A.R.S. § 20-362](#), and Rate Service Organizations [A.R.S. § 20-389](#)

**Adoption/Delay Adoption/Non-Adoption** – Insurers that are members of a Rate Service or Rating Organization that are adopting, delay adopting or non-adopting the forms/rates or rules of their organization must make such notices via SERFF. All such filings must have effective dates. A Delay Adoption without a future effective date, establishing when the company will start using the forms/rates of the organization, is a Non-adoption and should be filed as such.

## FILING TYPES

To allow your filing to be efficiently processed and managed, DIFI has configured SERFF to allow you to classify your filing into one of the following filing types:

**TABLE 3: Arizona SERFF Filing Types**

Filing Type	Description; When to Use
<b>Form/Rate/Rule - New Products ONLY</b>	<p>Use this filing type to submit a combined rate, rule and form filing for a new insurance product or program. This also includes a new endorsement that becomes part of an existing product or program.</p> <p><b>NOTE:</b> When <u>revising</u> a rate, rule or form that was originally submitted under the New Product/Program filing type, you must use the separate rate, rule, and form or rate/rule filing type and not the New Product/Program type.</p> <p>See the specific <a href="#">TOI Filing Checklist</a> for additional form, rate and rule filing requirements that apply to this filing type.</p>
<b>Form</b>	<p>A <b>form</b> is a written instrument, policy, rider or endorsement that sets forth terms and conditions for a contract of insurance. An insurer must file applications and all other documents that become part of the policy.</p> <p><b>An insurer must file forms at least 30 days before using them.</b> DIFI will determine what forms it will review within the 30-day period; however, regardless of whether DIFI reviews a form within 30 days, the form must comply with the requirements of Arizona law. A form is deemed approved if not disapproved within the 30-day period.</p> <p>See the specific <a href="#">TOI Filing Checklist</a> for additional form filing requirements.</p>
<b>Rate</b>	<p>A <b>rate</b> is the cost of insurance per unit of exposure to cover losses and expenses, and to provide a reasonable profit. The rate multiplied times the units of exposure (and possibly adjusted by a percentage based on an applicable rule) is the premium charged to the insured.</p> <p>The following “<b>Article 4 filings</b>” are subject to <b>file and use with a 30-day waiting period</b> (meaning insurers must submit filings at least 30 days before using them):</p> <ul style="list-style-type: none"> <li>● rate service organization loss cost and rates,</li> <li>● workers’ compensation deviations,</li> <li>● title rates,</li> <li>● credit property and credit unemployment rates.</li> </ul>

	<p>Rate filings for all other lines are subject to <b><i>use and file within 30 days of the effective date</i></b> (meaning insurers must file no later than 30 days after beginning to use the rates).</p> <p>See the specific <a href="#">TOI Filing Checklist</a> for additional rate filing requirements.</p>
<b>Rule</b>	<p>A <b>rule</b> includes an underwriting rule, a selection rule, an eligibility rule, or any other rule that an insurer uses for underwriting or to determine the placement of the policyholder. This includes rules to charge fees in accordance with <a href="#">A.R.S. § 20-465</a>.</p>
<b>Rate/Rule</b>	<p>A <b>rate/rule filing</b> includes any underwriting rule, a selection rule, an eligibility rule, and any other rule that adjusts the rates/factors and final premium charged to the insured for new and/or renewing business.</p>
<b>Consent to Rate</b>	<p>Signed forms from the <b>Insured</b> and the <b>Insurer</b> requesting to use a rate that exceeds the Insurer's filed rate to cover the Insured's risk (per <a href="#">A.R.S. § 20-357(D)</a> for workers' compensation coverage or per <a href="#">A.R.S. § 20-385(E)</a> for other types of insurance). See specific <i>Consent to Rate Filing Instructions on the <a href="#">DIFI website</a></i>.</p>
<b>Company Reports</b>	<ul style="list-style-type: none"> <li>• <b>"A" Rate</b> for filings in accordance with <a href="#">A.R.S. § 20-382(8)</a>.</li> <li>• <b>Assigned Risk</b> participation certification.</li> <li>• <b>Miscellaneous Reports</b></li> </ul>
<b>Credit Certification</b>	<p><a href="#">Credit Certification</a> filings for certification of insurer using prima facie rates in accordance with <a href="#">A.R.S. § 20-1621.05(C)(1)</a></p>
<b>Rating Organization/Rate Organization</b>	<p>Rate and Rating Organizations use this filing type, along with specific TOI's and subTOI's, to file administrative documents as part of their designation as a Rate or Rating Organization.</p>
<b>Advisory Organization</b>	<p>Advisory Organizations use this filing type, along with specific TOI's and subTOI's, to file administrative documents as part of their designation as an Advisory Organization,</p>

## FILING CHECKLISTS

Checklists describe information you must include in a filing and provide applicable statutes, case law, rules, and DIFI policies that must be reflected in filings. DIFI may reject a filing that does not meet all checklist requirements.

### All filings must include:

- The **General Filing Checklist** describes documents that must be filed and standards that apply to all property and casualty filings.

- A **TOI-specific filing checklist** describes required documents and standards for each property and casualty TOI for which filings must be made.
- Some TOI's have specific requirements but due to the limited number of requirements these will be found in the **General Filing Checklist** rather than on a separate checklist

The following TOIs have specific requirements and/or checklists:

- 04.0 Homeowners (Separate Checklist)
- 06.0 Mortgage Guaranty (General Checklist)
- 10.0 Financial Guaranty (General Checklist)
- 11.0 Medical Malpractice (General Checklist)
- 16.0 Workers' Compensation (Separate Checklist)
- 19.0 Personal Auto (Separate Checklist)
- 20.0 Commercial Auto (See General Checklist)
- 23.0 Fidelity (See General Checklist)
- 24.0 Surety (See General Checklist)
- 28.1 Credit – Credit Default (See General Checklist)
- 28.2 Credit – Personal Property (See General Checklist)
- 34.0 Title(See General Checklist)
- 33.0004 Service Contracts (Separate Checklist)

**Each checklist must be completed and signed by an officer of the insurer.** The signature may be an electronic, facsimile signature.

**IMPORTANT!** An insurer that submits a filing using the wrong TOI or sub-TOI must withdraw and resubmit the filing because SERFF does not allow post-submission changes to the designated TOI or sub-TOI.

### **FILING ON BEHALF OF MULTIPLE COMPANIES**

A filer may, in a single filing, submit forms, rates and rules to be utilized by multiple companies. To do so:

- The filer must first ensure that all companies are authorized in Arizona for the specific TOI.
- The filer must use the SERFF Companies and Contacts section to identify each company that will use the filed forms, rates and rules.
- For rate filings, the filer must submit supporting documentation and specific rate-change information, completed in the SERFF Rate/Rule Schedule, for each company.

In lieu of an insurer's name, the filer may use bracketing (e.g. “[**INSURANCE COMPANY NAME**]”) on a multi-company form if all the companies are listed in the SERFF Companies and Contacts section for the filing.

## FILINGS BY PRODUCT/PROGRAM

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SERFF requires that each filing identify the Product or Program Name that the filing applies to. Only one Product may be identified per filing. The Product Name must be the same as in prior filings or be a new product filing type.

## FILINGS BY SUBTOI

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Any Rate or Rate/Rule filing shall use the applicable subTOI when filing rate changes. Do not use “TOI XX Sub-TOI Combinations” for filing types Rate or Rate/Rule for Homeowners, Personal Auto, Med Mal, Other Liabilities, Crop Hail, Commercial Auto, Commercial Multi-Perl, Inland Marine or Mortgage Guarantee filings when the rate change(s) apply to specific subTOI(s). This ensures that any rate change is assigned to the applicable subTOI.

## BLANK ENDORSEMENTS

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You must file endorsements that show the language the insurer may want to use to amend the provisions of its insurance policies. Do not file an endorsement template or other document that does not contain all of the endorsement language.

## SERFF TRACKING NUMBER

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SERFF will issue a unique SERFF Tracking Number to each filing. An insurer may include its own unique number in the Company Tracking Number field; DIFI will use the SERFF Tracking Number when corresponding with a filer.

## DIFI FILING REVIEW

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DIFI first determines whether a filing is **administratively complete**. If a submission does not contain all the required transmittal documents, forms, checklists, documentation, and actuarial support necessary to permit an analyst to determine compliance with Arizona law, the submission will not constitute a “filing” and DIFI may reject it.

For filings that are administratively complete, DIFI performs a **substantive review** to determine whether the substance of the filing demonstrates compliance with Arizona law, as follows:

- DIFI will either review a form within 30 days from the date DIFI receives the form or the form will be deemed approved upon the 31<sup>st</sup> day.
- DIFI informs the filer of errors or deficiencies and requests additional information, clarification or changes to portions of the filing via an “Objection Letter” in SERFF.

- DIFI will reject a filing unless the filer addresses the objections raised on or before the designated “respond by date.” A filing subject to rejection may be withdrawn by the filer if unable to meet the response by date.

All responses to objections and correspondence regarding the filing must be submitted through SERFF. Communication about a filing outside of SERFF is only permitted at the request of DIFI to ensure that information you provide and DIFI’s questions and analysis of that information are appropriately documented within the filing.

## FILING DISPOSITION

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A submission may be assigned any of the following interim dispositions:

- **Holding for Industry Response:** DIFI may express concern about a filing that does not appear to comply with Arizona law, providing the insurer the opportunity to cure identified deficiencies.
- **Re-opened for Amendment:** DIFI may reopen a filing to enable the filer to amend a previously closed submission if the effective dates of the filing have not passed.

A submission may be assigned any of the following final dispositions:

- **Filing Withdrawn:** Prior to DIFI rendering a decision to approve, reject or disapprove a filing, the insurer decides to withdraw its submission. Any noted objections will need to be addressed at a future date or may result in a prior filing being re-opened. If an insurer submits a filing under the wrong Filing Type, TOI or sub-TOI, the insurer must withdraw and resubmit the filing because SERFF does not allow post-submission changes to the designated Filing Type, TOI or sub-TOI.
- **Filing Acknowledged:** DIFI may acknowledge receipt of a rate or rule filing without rendering an opinion as to whether the filing complies with Arizona law.
- **Filing Approved:** DIFI may approve a form filing that contains all required information and appears to comply with Arizona law.
- **Deemed by ARS § 20-398(A):** Certain types of filings may be deemed approved if not disapproved within a statute-prescribed timeframe.
- **Filing Disapproved:** This happens after DIFI and the insurer have expressed their respective positions regarding the contents of a filing or an insurer fails to respond to DIFI -expressed concerns, and DIFI believes that the insurer’s filing does not comply with Arizona law. The filer may request a public hearing to appeal a disapproval.
- **Rejected Filing:** DIFI may reject a submission if it does not contain sufficient information for DIFI to determine whether it complies with Arizona law or objections were not responded to in the time frame given.

Regardless of whether DIFI reviews a filing and the final disposition of a reviewed filing, an insurer remains responsible for ensuring that its forms, rates and rules continuously comply with Arizona law, even if DIFI does not identify deficiencies.

## **POST-SUBMISSION CHANGES OR UPDATES TO FILINGS**

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Use a post-submission update if you are only changing the effective date of a form, rate or rule.

You may file post-submission updates to open and closed filings, except:

- You may only file rate/rule changes on a previously submitted filing if the effective date of the filing is in the future.
- Corrections to a previously submitted form filing will only be accepted if the correction is filed within the first thirty days from the filing submission date and DIFI reviewer has adequate time to review and approve the change.

Changes, corrections or updates must otherwise be submitted in a new filing with effective dates that are allowed based upon the type of filing.

## **FILING REOPENING**

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DIFI may reopen a filing under certain circumstances, such as to correct an error DIFI made during its review. A filer who wishes to have a filing reopened should submit a SERFF Note to Reviewer stating the reasons for the request. DIFI will consider each request on a case-by-case basis.

## **WEB SITE RESOURCES**

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- **DIFI Property and Casualty Exemption Order:**  
[https://difi.az.gov/sites/default/files/documents/files/Docket\\_13A-071-INS\\_Amended\\_Order\\_with\\_Exhibits\\_A\\_B\\_C.pdf](https://difi.az.gov/sites/default/files/documents/files/Docket_13A-071-INS_Amended_Order_with_Exhibits_A_B_C.pdf)
- **Orders of the Director:** <https://insurance.az.gov/administrative-orders>.
- **DIFI Regulatory Bulletins:** <https://difi.az.gov/bulletins>
- **Laws - Arizona Revised Statutes (“A.R.S.”) Title 20:**  
<http://www.azleg.gov/arsDetail/?title=20>
- **Rules/Regulations - Arizona Administrative Code (“A.A.C.”) Title 20, Chapter 6:** [https://apps.azsos.gov/public\\_services/Title\\_20/20-06.pdf](https://apps.azsos.gov/public_services/Title_20/20-06.pdf)
- **System for Electronic Rate and Form Filings (“SERFF”):**  
<https://login.serff.com/serff/signin.do>