

ARIZONA PROPERTY AND CASUALTY RATE AND RULE FILINGS

GENERAL FILING CHECKLIST

Notice - This document contains checklists that provide the following three types of information:

- **Checklist 1:** Requirements that apply to all filings (form, rate or rule) – Page 1
- **Checklist 2:** Requirements that apply to all form filings – Page 2
- **Checklist 3:** Requirements that apply to all rate/rule filings – Page 7

NOTE: This checklist and any TOI specific checklist is not intended to serve as an all-inclusive list of requirements. Insurance policies must meet all requirements of Arizona law, regardless of whether the law is summarized in this and any other checklist.

General Filing Checklist 1: Requirements That Apply to ALL FILINGS	
Topic	Requirements
Authorized Company	Before submitting a filing, use our License Search web page (https://sbs.naic.org/solar-external-lookup) to ensure the insurer is authorized to sell the type of insurance (“TOI”) in Arizona.
Authorized Filer	If the filer is not an employee of the insurer, include a Third-party Authorization Form signed by an authorized representative of the insurance company as a “supporting document” within SERFF. The authorization only applies to the filing to which it is included; each other filing requires its own third-party authorization.
Corresponding Filing Tracking Number	For a current filing that refers to a previously approved filing, enter the previous SERFF tracking number in the SERFF Corresponding Filing Tracking Number field.
Effective Dates	Do not enter “On Approval” in “SERFF Effective Date Requested” fields. After the Department has acknowledged or approved a filing, you may file a post-submission update to change the effective date. Effective Dates for Renewing and New Business Rate filings may differ only if the difference reflects the renewal time frame notification used by the insurer. For Form filings, if the insurer has a liberalization clause in their policy forms, there should not be a difference in form effective dates.
Multi-company Filing	You may, in a single filing, submit forms, rates and rules to be utilized by multiple companies. To do so, [a] ensure that all companies are authorized in Arizona for the specific TOI; [b] use the SERFF “Companies and Contacts” section to identify each company that will use the filed forms, rates and rules.

General Filing Checklist 2: Requirements That Apply to FORM FILINGS

Topic and References*	Requirements
* “§” = Arizona Revised Statutes Section; “R” = Arizona Administrative Code Rule	
Filing Deadline § 20-398	An insurer must file forms at least 30 days before using them. The Department will determine what forms it will review within the 30-day period; however, regardless of whether the Department 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.
Definition of “Policy” § 20-1102	“Policy” means an insurance contract or a certificate of an insurance contract, including clauses, riders, endorsements and any other materials that are made part of the policy.
Contents of Policy § 20-1113	Except as to surety contracts or group insurance contracts, every policy must specify: <ol style="list-style-type: none"> 1. The names of the parties to the contract; 2. The insurer's name; 3. The subject of the insurance; 4. The risks covered by the policy; 5. The time when coverage becomes effective and the period during which the insurance coverage remains in force; 6. The premium; 7. The conditions pertaining to the insurance.
Form Name and Number	Assign to each form a unique form name, number and edition date; enter the edition date in the SERFF “Form Schedule” section; and, include the same form number and edition date in the lower left corner of every page of each form.
Multi-company Form Filing	For a multi-company form, you may use bracketing (e.g. “[INSURANCE COMPANY NAME]”) in lieu of an insurer’s name but you must list all the companies in the SERFF “Companies and Contacts” section for the filing.
Form Revisions	If amending or endorsing a form that was not previously filed in SERFF but via paper submittal (and therefore was not assigned a SERFF Tracking Number), include the original form as part of the filing. Include a side-by-side comparison or red-lined version that shows the changes being made to the previously approved form.
Acceptable Submission Formats	Submit the final version of policy forms and any document requiring a signature in Adobe Acrobat (PDF) format.

	Complete/populate applications and declaration forms with John/Jane Doe information and submit them in the SERFF Supporting Documents section.
Annul/Void/ Rescind for Applicant Misrepresentation § 20-1109 § 20-1123 Smith v. Republic National Life Insurance Co., 483 P.2d 527 (1971) State Compensation Fund v. Mar Pac Helicopter Corporation, 752 P.2d 1,156 Ariz. 348 (1987) Greves v. Ohio State Life Insurance	<p>An application cannot require an applicant to “warrant” or “guaranty” statements and descriptions the applicant makes when applying or negotiating for insurance. Statements and descriptions an applicant makes are deemed “representations.”</p> <p>The insurer may rescind a policy or deny benefits based on statements that an applicant makes when applying or negotiating for insurance ONLY if an application for coverage contained misrepresentations, omissions, concealment of facts or incorrect statements that were ALL of the following:</p> <ul style="list-style-type: none"> ● fraudulent, ● material, ● such that the insurer would not have issued the policy, would have issued a policy for a smaller amount, or would not have provided coverage of hazards, had the insurer been provided complete or true information. <p>The policy (and any other agreement between the insurer and insured) cannot retroactively annul/void an insurance contract insuring against loss or damage through legal liability for an individual’s bodily injury or death by accident, or for damage to a person’s property, after the occurrence of any injury, death or damage for which the insured may be liable. :</p>
Application	Include with the filing an application that is incorporated by reference in, or attached to, the policy. You do not need to file an application that is not part of the policy.
Arbitration § 12-1501	An insurer cannot limit a person solely to arbitration as a remedy concerning the revocation of the contract.
Binders § 20-1120	By default, binders include all the policy terms and any endorsements designated in the binder except as superseded by clear and express terms of the binder. A binder is effective until the earlier of the date the underlying policy becomes effective or 90 days beyond issuance.
Producer Name § 20-229	The policy declaration page or endorsement must identify the name of the producer unless the policy is exempt from the requirement under § 20-229(B) .
Authorized Signature § 20-1116	Every insurance policy shall be executed by an officer, attorney-in-fact, employee or representative duly authorized by the insurer.
Discrimination, Unfair § 20-448(C)	An insurer cannot unfairly discriminate in the terms or conditions of an insurance contract against particular insureds or subjects of

	insurance that have like risk and exposure factors or expense elements to other insureds or subjects of insurance.
Domestic Violence Exception § 20-448(G), (J) and (L)(3)	An insurer may not deny a claim, or exclude or limit coverage associated with domestic violence.
Foreign Language R20-6-203	<p>Only use a translator who has formal college-level or specialized training in the foreign language, including training in grammar and sentence syntax.</p> <p>Include in the SERFF Supporting Documents section:</p> <ul style="list-style-type: none"> • A version of the form containing a side-by-side comparison of the foreign language verbiage with English-language translation; • A notarized sworn statement signed by the translator that describes the translator’s qualifications and attests that the English translation is identical in substance to the foreign-language document or material. <p>If a foreign-language version of a document was previously filed in English, identify the English version SERFF Tracking Number in the SERFF Corresponding Filing Tracking Number field.</p>
Inducements § 20-452	<p>A form or any advertisement may not offer or provide for any of the following inducements:</p> <ul style="list-style-type: none"> • Employment; • Shares of stock or other securities; • Advisory board contract or similar agreement providing for special profits; • Prizes, goods, wares, merchandise or tangible property with an aggregate value of over \$100 except to provide remuneration of up to \$200 for providing customer feedback.
Rebates § 20-451	A form or advertisement may not offer, pay, allow or give any rebate, discount, abatement, credit or reduction of premium that has not been filed with the Department
Name Change	The insurer must receive approval for its name change by the Department Financial Affairs Division before you file a name-change endorsement (regardless of the effective date).
Notifications (Electronic) § 20-239	A. Any notice to a party or any other document that is required under this title in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored and presented by electronic means if it meets the requirements of title 44, chapter 26, article 1. If an insurer uploads a document or notice to a portal or secure website, the insurer shall send a separate notice to the party that specifies that the document or

	<p>notice has been uploaded and that includes a description of the document or notice that has been uploaded.</p> <p>B. An insurer may deliver a notice or document by electronic means to a party pursuant to this section if the party electronically consents to that method of electronic delivery and has not withdrawn consent. A named insured that effectuates insurance transactions by electronic means shall be deemed to have consented to receive notices and documents by electronic means in accordance with this section unless the named insured opts out of electronic delivery and elects delivery by hard copy.</p>
<p>Personal Information: Disclosure Authorization § 20-2101(19) § 20-2106(7)(b) § 20-2113</p>	<p>Any form that is used as a disclosure authorization form must be written in plain language, be dated, specify types of persons authorized to disclose information about the individual, specify the nature of information authorized for disclosure, name the insurance institution or insurance producer, refer to the insurance institution to whom the individual is authorizing information to be disclosed, specify the purposes for which the information is collected (which must be within the scope of authority provided in § 20-2113), and for an application or reinstatement of a policy, specify the time the authorization is valid which shall not exceed one year.</p>
<p>Personal Information: Notice of Information Practices § 20-2104 20-2113 R20-6-2101 through 2104.</p>	<p>Include in the SERFF Supporting Documents section the notice of information practices that the insurer or producer will provide to applicants and policyholders in connection with insurance transactions, or note the SERFF tracking number of a previously approved SERFF filing containing the notice of information practices.</p>
<p>Readability: Policy Verbiage <i>Applies to all forms</i> § 20-1111, § 20-1095.09</p>	<p>Policy language and titles, headings, etc. cannot be misleading, inconsistent or ambiguous, and must include any language necessary to make the policy not misleading.</p>
<p>Readability: Policy Verbiage <i>Applies to private passenger automobile, homeowners, mobile homeowners and personal-line dwelling insurance.</i> R20-6-210</p>	<p>A person must be able to read and reasonably understand an insurance policy without special knowledge or training.</p> <ul style="list-style-type: none"> ● Write the policy in everyday, conversational language using short, simple sentences composed using commonly used words, using an easy-to-read style, personal pronouns and present tense active verbs. ● Place defined words and terms in a separate section at the beginning of the policy. ● Exclude non-essential provisions from the policy.

	<ul style="list-style-type: none"> Do not file a policy unless it has a Flesch Score of 40 or more. If a single form does not meet the minimum readability score, it may be scored with the remainder of the policy to meet the score.
<p>Readability: Organization of Policy Content <i>Applies to private passenger automobile, homeowners, mobile homeowners and personal-line dwelling insurance.</i> R20-6-210</p>	<p>Organize the policy into logically arranged sections to ease locating content.</p> <ul style="list-style-type: none"> In each section, only include provisions that relate to that section (<i>for example, an exclusion section shall not be mixed with other parts of a policy</i>), Group, in a common area, general policy provisions that apply to all or several like coverages.
<p>Readability: Visual Aids <i>Applies to private passenger automobile, homeowners, mobile homeowners and personal-line dwelling insurance.</i> R20-6-210</p>	<p>Incorporate the following visual aids:</p> <ul style="list-style-type: none"> Use at least eight point; Use a legible block-print font; do not use a script font; Distinguish captions and headings from the general text; Use sufficient white space to distinctly separate coverages, policy sections and columns; Distinguish defined words and terms from the general text.
<p>Statute Citations</p>	<p>When citing an Arizona statute or rule, include or paraphrase the statute or rule verbiage in the document. The insured cannot be expected to look up laws or rules concerning insurance policy provisions.</p>

General Filing Checklist 3: Requirements That Apply to RATE AND RULE FILINGS	
Topic and References*	Requirements
* “§” = Arizona Revised Statutes Section; “B” = Department Regulatory Bulletin; “INS” = Department Order; “R” = Arizona Administrative Code Rule	
Filing Deadlines § 20-344 (Rating Org.) § 20-357 (WC Ins.) § 20-358 (WC Ins.) § 20-376 (Title Ins.) § 20-378 (Title ins.) § 20-1610 (Credit) § 20-1621.04 (Credit) § 20-385 (Art. 4.1) § 20-388 (Art. 4.1)	<p>The following “Article 4 filings” are subject to <i>file and use with a 30-day waiting period</i> (meaning insurers must submit filings at least 30 days before using them):</p> <ul style="list-style-type: none"> • rating organization loss cost and rates, • workers’ compensation deviations, • title rates, • credit property and credit unemployment rates. <p>Within the 30-day waiting period, the Department can disapprove an Article 4 filing without a hearing. If the Department does not disapprove an Article 4 filing within the 30-day waiting period, the rate/rule is deemed approved and the Department would need to conduct a hearing if it believes the rate/rule does not comply with Arizona law.</p> <p>Rate filings for all other lines (“Article 4.1 filings”) are subject to <i>use and file within 30 days of the effective date</i> (meaning insurers must file no later than 30 days after beginning to use the rates).</p> <p>Generally, the Department will only acknowledge receipt of the filing. If a filing does not comply with Arizona law, the Department may issue an order at any time (even after the 30-day period) that prevents the insurer from using the rate starting 30 days after the order. The insurer or rate service organization may request a hearing to appeal per to A.R.S. Title 41, Chapter 6, Art. 10.</p>
Rate/Rule Justification	Provide justification in the SERFF supporting documents section that demonstrates how rates were developed; explains why rates should not be considered excessive, inadequate or unfairly discriminatory; and, includes reasoning underlying actuarial assumptions and other aspects in developing the rates.
subTOIs	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.

SERFF Rate Filing Fields	Complete all applicable “Company Rate Information” fields in the SERFF “Rate/Rule” section when filing a base-rate change.
Multi-company Filing	Submit supporting documentation and specific rate-change information in the SERFF “Rate/Rule” section for each insurer within a multi-company filing.
Discrimination, Unfair § 20-448(C)	An insurer cannot unfairly discriminate in the rate or amount of premium charged particular insureds or subjects of insurance that have like risk and exposure factors or expense elements to other insureds or subjects of insurance.
ZIP Code Rating	If the insurer uses individual or groupings of ZIP Codes as the basis of rates or rules applicable to a policy, the insurer must account for all Arizona ZIP codes within the insurer’s rating plan.
Fee/Expense Exhibits § 20-381	When filing fees the insurer must include a complete list or schedule of fees and an expense exhibit that shows how the fee is reasonable in relation to the cost of the service performed. <i>For example, for a late fee, the insurer must show the additional costs it incurs to process a late payment.</i> The fee the insurer proposes to charge may not exceed the associated reasonable costs.

CERTIFICATION OF COMPANY OFFICER

NOTE: Filer certification must be completed and signed by an officer of the company.

I, _____, certify on behalf of the company that is submitting this filing that I am responsible for the validity, accuracy and completeness of the enclosures in this filing. To the best of my knowledge and belief each form or rate filing included in this filing: 1) conforms to all of the applicable requirements outlined above; 2) contains no provision(s) previously disapproved or required to be corrected and/or revised by the Arizona Department of Insurance and Financial Institutions; 3) does not exceed this company’s powers, the authority granted by its state of domicile or its Arizona certificate of authority; and 4) complies with all applicable provisions of state or federal law and orders of the Director of Insurance.

Title: _____

Email: _____

Phone: _____

Date: _____

Company Officer Signature: _____

