



Property & Casualty Policy Forms

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Topics of Discussion

- **Legislative Changes**
- **Hot Topics – Personal Auto**
- **Initial Programs**





2017 Legislative Changes





Legislative Changes

ACT 219 (HB 393) Effective 1-1-2018

- Provides for the elimination of contents coverage on residential properties following a declared disaster.
- Applies to ALL residential property policies.
- Maximum of 2 years.
- Declares it is not a new policy (3 year protection continues)
- Ensure a contents exclusion is prior approved and in place.
- **La. R.S. 22:1331**





Legislative Changes

ACT 225 (HB 542) Effective 1-1-2018

- **Provides for travel insurance.**
- **Defines Travel Protection Plan as a plan that includes any travel insurance, travel assistance services, or cancellation fee waivers.**
- **Provides limited license to sell these plans.**
- **Requires disclosures for travel insurance policies and certificates.**





Legislative Changes

ACT 225 (HB 542) Effective 1-1-2018

- **Requires certain disclosures for the travel protection plans and fulfillment materials.**
- **Policyholders and certificate holders shall receive a full refund within first 10 days of purchase.**
- **La. R.S. 22:1351 - 1358**





Legislative Changes

ACT 183 (SB 45) Effective 8-1-2017

- Provides relative to the definition of ocean marine insurance.
- Shall not include vessels under 5 tons.
- Definition found in current LIGA provision, La. R.S. 22:2055(13).
- **La. R.S. 22:46(19)**





Legislative Changes

ACT (HB 287) Effective 8-1-2017

- **Relative to the cancellation or surrender of a policy by the policyholder.**
- **To provide for the return of unearned premium to the mortgagee.**
- **Mortgagee must notify insurer of the percentage of premium funded with mortgagee's own funds.**
- **Any conflicting policy form language must be changed.**





Hot Topics





Hot Topics

Personal Auto Business Use Exclusion

- **Business use exclusions that exclude coverage below the minimum limits of liability conflicts with Louisiana law.**
- **Policy form language should state that the exclusion only applies to damages that exceed the minimum limit mandated by the financial responsibility law.**
- **Marcus v. Hanover Insurance Company Inc. 740 So.2d 603**
- **Sensebe v. Canal Indemnity Company 58 So.3d 441**





Hot Topics

Personal Auto Regular/Frequent User Exclusion

- **No motor vehicle liability insurance policy nor any uninsured motorist coverage for bodily injury shall limit coverage of, or the amount that can be recovered by, the named insured, or the spouse or other family member of the named insured, or express or implied permissive users.**
- **La. R.S. 22:1282**





Hot Topics

Personal Auto Regular/Frequent User Exclusion

- **An insurer and an insured may by written agreement exclude from coverage the named insured, the spouse of the named insured, and any other named person who is a resident of the same household as the named insured at the time that the written agreement is entered into, and the exclusion shall be effective, regardless of whether the excluded person continues to remain a resident of the same household subsequent to the execution of the written agreement.**
- **La. R.S. 32:900.L(1)**





Hot Topics

Personal Auto Regular/Frequent User Exclusion

- **Therefore, any policy language, application language or claims practices that result in the exclusion or limitation of liability coverage for regular, frequent or occasional drivers who do not reside in the same household is prohibited as being in direct conflict with law.**
- **La. R.S. 22:1282 and La. R.S. 32:900.L(1)**





Hot Topics

Personal Auto Invalid Driver's License Exclusion

- **A policy provision that excludes liability coverage for a named insured who has an invalid driver's license or for a permissive driver who has an invalid driver's license conflicts with statutory law and public policy.**
- **The Louisiana Supreme Court, in the matter of *Adams v. Thomas* (729 So.2d 1041), sets forth the position that such an exclusion violates the purpose of **La. R.S. 32:900(B)** and **La. R.S. 22:1269 (D)** which is to provide compensation for persons injured by the operation of an insured vehicle."**





Initial Programs





Initial/New Programs Using Rating Organization Forms

FILINGS MUST INCLUDE THE FOLLOWING:

- Program name and line of business
- Filing/rating organization's identification/code number(s)
(designation or item number)
- Declaration pages for program





Initial/New Programs Using Rating Organization Forms

- Applications for program, if applications are required and to be attached to policy (if not, provide a statement)

(Rating Organizations do not file declarations or applications on behalf of its members)





Initial/New Programs Using Rating Organization Forms

- Statement of Compliance for declaration pages, applications, and any independent forms submitted along with the adoption
- If the company submitting the filing is a new member to the filing/rating organization, proof of membership may be required





Initial/New Programs Using Rating Organization Forms

- Filing fees for the declaration pages, applications, and any independent endorsements are required
- Filing fees for the adoptions if required





Questions?

Office of Property & Casualty
Policy Forms Division

(225) 342-5203

(800) 259-5300

www.lidi.la.gov

Product Filing Matrix (PFM):

<http://ia.lidi.state.la.us/productmatrix/>

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Bonus Material

- **Filing Fees**
- **Tips**





Filing Fees





Filing Fees

- \$100 per product, per insurance company
- \$25 per company for an endorsement, regardless the number of endorsements submitted.
- \$20 per filing adoption of each advisory organization's reference or item filing (designation number), per company





Filing Fees

PRODUCT

- A product is each Policy and/or Coverage Part that are stand-alone or can be monoline
- Fees are \$100 for each stand alone policy and/or coverage part within the same program, per company





Filing Fees

PRODUCT

- Any endorsements, applications and declaration pages submitted in conjunction with the product are included in the \$100 per product fee
- If you are submitting policies and/or coverage parts that are not stand alone (cannot be sold separately), note this in the Filing Fee Tab or the General Information tab





Filing Fees

ENDORSEMENT FILINGS

- The fees are \$25 per filing (not per endorsement) per company
- Declaration page only filings, Application only filings, and Policy Jacket only filings are considered endorsement filings when determining filing fees





Filing Fees

ADOPTION FILINGS – WITH FILING AUTHORITY

- Companies that have granted a Rating Organization Filing Authority, using same effective date, or for an initial/new program, do NOT require adoption filing fees
- Filing fees for declaration pages, applications, or other independent forms still apply





Filing Fees

ADOPTION FILINGS – DELAYED WITH FILING AUTHORITY

- Companies that have granted a Rating Organization Filing Authority, but using a later effective date, adoption filing fees DO apply
- \$20 per advisory organization's reference or item filing (designation number), per company
- Filing fees for declaration pages, applications, or other independent forms apply separately





Filing Fees

ADOPTION FILINGS – WITHOUT FILING AUTHORITY

- Companies that have NOT granted a Rating Organization Filing Authority, adoption filing fees DO apply
- \$20 per each advisory organization's reference or item filing (designation number), per company
- Filing fees for declaration pages, applications, or other independent forms apply separately





PFM's FEE WIZARD

Product Filing Matrix

Louisiana Department of Insurance
1702 North 3rd Street Baton Rouge, LA 70802

- Home
- Search
- Fee Wizard
- FAQ
- Help
- What's New

PRODUCT FILING MATRIX

Welcome to the Louisiana Department of Insurance's Product Filing Matrix (PFM). Designed to simplify the filing process for insurers, the PFM will allow you to search filing requirements per product line and generate a Statement of Compliance that displays the legal references related to the insurance product selected.

Additionally, LDI Regulation 78 provides insurers with the ability to certify compliance for certain products as designated in Regulation 174. Insurers will certify that a filing complies with all state and federal laws, rules and regulations, and will receive expedited approval.



[Begin Your Search](#)

FEE WIZARD



Use the wizard to calculate your fees

[Calculate Fee](#)

FAQ



Get answers to your questions or contact us

[Read FAQs](#)

HELP



Read instructions or access the help manual

[Get Instructions](#)

WHAT'S NEW



See what has been recently added or updated in the PFM

[See What's New](#)



Tips





Tips

FILING INFORMATION:

- Provide detailed program information(Who, What, Where, When, Why, How)
- Reference or provide copies of Louisiana Changes endorsements
- Provide explanations of changes (Red-lined/Marked Copies)





Tips

FILING INFORMATION:

- If resubmission of disapproval, provide copy of disposition letter with outlined changes
- If endorsement filing, provide approved policy information





Tips

STATEMENT OF COMPLIANCE:

- Complete the Statement of Compliance
- Reference previously approved Louisiana Changes endorsements
- Use the correct Statement of Compliance





Tips

ADOPTIONS:

- Provide rating organization designation/item numbers for all adoptions and initial programs
- If new member to rating organization, provide proof of filing authority





Tips

FILING FEES:

- Use PFM's Fee Wizard
- Reference how policies and/or coverage parts will be sold (monoline or package only)





Tips

OTHER:

- Respond to correspondence
- Be aware of legislative changes
- Use help documents on PFM
- Ensure data entered in SERFF is correct

