

Kansas Administrative Regulations

Kansas Department of Insurance

Article 3.—Fire and Casualty Insurance

40-3-32. Fire and casualty insurance; modification of form filing requirements.

(a) Bond forms. Bonds that cannot practicably be filed before they are used shall not be required to be filed with the commissioner if they are required by any of the following:

- (1) Law;
- (2) court order; or
- (3) any federal, state, or municipal government or agency.

(b) Marine or inland marine forms. Each marine or inland marine form that cannot practicably be filed before use shall not be required to be submitted for approval pursuant to K.S.A. 40-216 and amendments thereto. This exception shall not apply to marine or inland marine policy and endorsement forms that contain standardized wording.

(c) Aircraft hull or aircraft liability endorsement forms. Each aircraft hull or aircraft liability endorsement form that cannot practicably be filed before use shall not be required to be submitted for approval pursuant to K.S.A. 40-216 and amendments thereto. This subsection shall not apply to aircraft hull or aircraft liability endorsement forms that contain standardized wording or that are so designated by the commissioner. Basic aircraft hull or aircraft liability insurance policies shall be subject to the filing requirement of K.S.A. 40-216 and amendments thereto.

(d) Restrictive endorsements. Each fire and casualty endorsement or form used on an individual risk that restricts coverage otherwise applicable, shall be considered an increase in the rate otherwise applicable and considered as forms that cannot practicably be filed before they are used. These forms shall be retained in the insurer's underwriting file for a period of five years after the form is no longer applicable to the insured. These forms shall be made available for review upon the request of the commissioner. The disapproval of any form shall be effective as of the inception date of the policy to which it is attached and shall be deleted from the policy.

(e) Policy or endorsement form prescribed by committee on surety bonds and insurance. Each property and casualty policy or endorsement form specifically prescribed by the committee on surety bonds and insurance pursuant to K.S.A. 75-4109, and amendments thereto, shall not be required to be filed with the commissioner of insurance. The phrase "forms specifically prescribed by the committee on surety bonds and insurance" shall mean each property and liability policy, endorsement, or amendment, the exact wording for which is contained in an invitation for bids authorized by the committee.

(f) Each form submitted pursuant to this regulation shall be deemed approved unless disapproved by the commissioner within 30 days of receipt.

(Authorized by K.S.A. 40-103, 40-216, as amended by L. 1999, Ch. 63, § 1; implementing K.S.A. 40-216, as amended by L. 1999, Ch. 63, § 1; effective Jan. 1, 1968; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1979; amended May 1, 1986; amended Nov. 29, 1993; amended March 24, 2000.)

***** Authenticated Kansas Administrative Regulation *****