

Kansas Administrative Regulations

Kansas Department of Insurance

Article 3.—Fire and Casualty Insurance

40-3-5. Fire and casualty insurance; rating organizations; filing of forms.

For the purpose of this regulation, the word "company" shall include a company of any type that is required to file rates pursuant to K.S.A. 40-955 and amendments thereto. The word "forms" shall mean policies, endorsements, and standard provisions used in policies or endorsements. The term "rating organizations" shall mean any organization licensed pursuant to K.S.A. 40-956 and amendments thereto.

(a) When the constitution, articles of association, bylaws, or regulations of a rating organization grant control over the forms to be used by its member and subscriber companies, the forms shall be filed in compliance with K.S.A. 40-216 and amendments thereto. An individual company shall not be required to file declarations pages or forms that have been filed on its behalf by a rating organization and approved by the commissioner of insurance.

(b) After approval, each member and subscriber of the rating organization making the filings shall adhere to the forms. Each deviation from approved filings shall be deemed to be in violation of K.S.A. 40-216 and amendments thereto, except as provided under K.S.A. 40-958 and amendments thereto.

(c) Except as provided in subsection (a), each company shall be responsible for the following:

- (1) Controlling its filings of forms;
- (2) promptly discontinuing individual filings of those forms filed on its behalf by a rating organization; and
- (3) complying with Kansas individual filings of those forms filed on its behalf by a rating organization. Each company that is not a member of or subscriber to a rating organization shall be required to make an individual filing in accordance with K.S.A. 40-216, and amendments thereto, for each standardized form filed by a rating organization that is accepted by the company.

(d) Each company that becomes a member or subscriber of a rating organization shall be presumed to be issuing the forms of the rating organization from the effective date of membership or subscribership.

(e) Each company that retires from membership or subscribership in a rating organization shall meet the filing requirements by making individual filings.

(Authorized by K.S.A. 40-103 and 40-961; implementing K.S.A. 40-216 and 40-955; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1986; amended May 15, 1989; amended May 16, 1997; amended March 10, 2006.)

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