

Kansas Administrative Regulations

Kansas Department of Insurance

Article 3.—Fire and Casualty Insurance

40-3-25. Same; writing of risks rated differently from normal market; requirements.

(a) As used in this regulation, "normal market" shall mean insurance companies that sell policies to preferred or standard risks. Preferred or standard risks are applicants or policyholders who qualify for coverage at favorable premiums due to their underwriting characteristics.

(b) Each company issuing a fire and casualty insurance policy in this state with a premium rate that results from the insured's inability to obtain coverage in the normal market shall include a statement on the application or policy form, signed by the applicant or named insured, that contains the following statements, as applicable, or statements with similar wording:

(1) "I am unable to obtain _____ (state kind) insurance at normal rates and hereby request the issuance of this policy at rates in excess of normal rates."

(2) "I have been unable to procure similar insurance at normal rates although my risk has been submitted to at least three other insurance companies authorized to transact insurance business in Kansas."

(3) For automobile liability insurance, the statements in the following paragraphs shall be included:

(A) "(1) I have been unable to procure similar insurance at normal rates, or (2) I have been unable to procure similar insurance at normal rates because my previous insurance company nonrenewed or canceled my insurance."

(B) "I understand that liability limits sufficient to meet the financial responsibility requirements of the state may be available through the Kansas automobile insurance plan." The preceding statement shall not apply if the policy is issued through the Kansas automobile insurance plan.

(4) For workers compensation and employers liability insurance, the following statement shall be included: "I understand that I may obtain workers compensation and employers liability insurance through the Kansas workers compensation insurance plan." The preceding statement shall not apply if the policy is issued through the Kansas workers compensation insurance plan.

(5) For fire and extended coverage insurance, the following statement shall be included: "I understand that I may be able to obtain adequate fire and extended coverage insurance through the Kansas all-industry placement facility." The preceding statement shall not apply if the policy is issued through the Kansas all-industry placement facility.

(6) For a health care provider required to comply with K.S.A. 40-3402 and amendments thereto, the following statement shall be included: "I understand that I may be able to obtain adequate basic professional liability coverage through the Kansas health care provider insurance availability plan." The preceding statement shall not apply if the policy is issued through the Kansas health care provider insurance availability plan.

(Authorized by K.S.A. 40-103, 40-961(d), 40-2116, and 40-3417; implementing K.S.A. 40-954(d), 40-2,124, 40-2102, 40-2109, and 40-3413; effective Jan. 1, 1967; amended Jan. 1, 1970; amended May 1, 1986; amended Jan. 18, 2008.)

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