

13-110. FILING AND APPROVAL OF FORMS AND RATES.

(A) REQUIRED.

EACH FORM FOR A POLICY, CERTIFICATE OF INSURANCE, NOTICE OF PROPOSED INSURANCE, APPLICATION FOR INSURANCE, ENDORSEMENT, OR RIDER DELIVERED OR ISSUED FOR DELIVERY IN THE STATE AND EACH RELATED SCHEDULE OF PREMIUM RATES SHALL BE FILED WITH THE COMMISSIONER FOR APPROVAL.

(B) DISAPPROVAL OF FORMS OR RATES.

(1) WITHIN 60 DAYS AFTER A FORM OR PREMIUM RATE DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS FILED, THE COMMISSIONER SHALL DISAPPROVE THE FILING IF:

(I) THE TABLE OF PREMIUM RATES APPEARS BY REASONABLE ASSUMPTIONS TO BE EXCESSIVE IN RELATION TO BENEFITS; OR

(II) THE FORM CONTAINS PROVISIONS THAT:

1. ARE UNJUST, UNFAIR, INEQUITABLE, MISLEADING, OR DECEPTIVE;

2. ENCOURAGE MISREPRESENTATION OF THE COVERAGE; OR

3. ARE CONTRARY TO A PROVISION OF THIS ARTICLE OR A REGULATION ADOPTED UNDER THIS ARTICLE.

(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER SHALL CONSIDER:

(I) PAST AND PROSPECTIVE LOSS EXPERIENCE WITHIN AND OUTSIDE THE STATE;

(II) UNDERWRITING PRACTICE AND JUDGMENT TO THE EXTENT APPROPRIATE;

(III) A REASONABLE MARGIN FOR UNDERWRITING PROFIT AND CONTINGENCIES;

(IV) PAST AND PROSPECTIVE EXPENSES, WHETHER COUNTRYWIDE OR SPECIALLY APPLICABLE TO THE STATE; AND

(V) ALL OTHER RELEVANT FACTORS WITHIN AND OUTSIDE THE STATE.

(3) IF THE COMMISSIONER DISAPPROVES A FORM OR PREMIUM RATE, THE COMMISSIONER SHALL:

(I) NOTIFY THE INSURER OF THE DISAPPROVAL AND SPECIFY IN THE NOTICE THE REASON FOR DISAPPROVAL; AND