

§2304-A. Rate filings

1. Every insurer shall file with the superintendent, except as to inland marine risks, which by general custom of the business are not written according to manual rates or rating plans, every manual rate, minimum premium, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing that it proposes to use. The filing must state the effective date of the filing and indicate the character and extent of the coverage contemplated. The filing must be made not less than 30 days in advance of the stated effective date unless that 30-day requirement is waived by the superintendent. The superintendent shall act on a filing no later than 30 days from receipt unless an extension is requested by the filer. A filing required under this section must be made electronically in a format required by the superintendent unless exempted by rule adopted by the superintendent. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. [PL 1991, c. 377, §10 (RP).]

B. [PL 1991, c. 377, §10 (RP).]

C. [PL 1991, c. 377, §10 (RP).]

D. [PL 1991, c. 377, §10 (RP).]

E. [PL 1991, c. 377, §10 (RP).]

F. [PL 1991, c. 377, §10 (RP).]

G. [PL 1991, c. 377, §10 (RP).]

H. [PL 1991, c. 377, §10 (RP).]

[PL 2009, c. 14, §1 (AMD).]

2. Every insurer must file or incorporate by reference material that has been approved by the superintendent at the time rates are filed, including all supplementary rating, and supporting information to be used in support of or in conjunction with a rate. The information furnished in support of a filing may include or reference:

A. The experience or judgment of the insurer or information filed by an advisory organization on behalf of the insurer as permitted by sections 2321-D and 2321-E; [PL 1991, c. 377, §10 (RPR).]

B. The insurer's interpretation of any statistical data upon which it relies; [PL 1991, c. 377, §10 (RPR).]

C. The experience of other insurers or advisory organizations; or [PL 1991, c. 377, §10 (RPR).]

D. Any other relevant factors. [PL 1991, c. 377, §10 (RPR).]

[PL 1991, c. 377, §10 (RPR).]

3. An advisory organization filing of prospective loss costs and supplementary rating information must be filed for approval at least 60 days before it becomes effective. This period may be extended by the superintendent for an additional period not to exceed 60 days if written notice is given to the advisory organization that additional time is needed for the consideration of the filing. Upon written application by the advisory organization, the superintendent may authorize a filing that has been reviewed to become effective before the expiration of the waiting period or any extension of the waiting period. A filing is deemed to meet the requirements of this chapter unless disapproved by the superintendent within the waiting period or any extension of the waiting period.

If the superintendent has requested the advisory organization to furnish the information upon which it supports that filing, the waiting period commences as of the date that information is furnished.

[PL 1991, c. 377, §10 (RPR).]

4. When a filing is not accompanied by the information upon which the insurer supports that filing, the superintendent may require the insurer to furnish the information upon which it supports the filing.

Any filing may be supported by the experience, or judgment if experience is not available, of the insurer or advisory organization making the filing, the experience of other insurers or advisory organizations or any other factors that the insurer or advisory organization determines relevant. A filing and any other supporting information are open to public inspection after the filing becomes effective.

[PL 1991, c. 377, §10 (RPR).]

5. Specific inland marine rates on risks specially rated, made by an advisory organization, must be filed with the superintendent, become effective when filed, and are deemed approved and in compliance with the requirements of this chapter until the superintendent rejects the filing.

[PL 1991, c. 377, §10 (RPR).]

6. Filings of rates to be utilized in connection with one or more mass marketing plans as defined in section 2932 must clearly identify their applicability to those plans.

[PL 1991, c. 377, §10 (RPR).]

7. Except as provided in section 2304-C, a rate filing and its supporting data are confidential until the filing is approved.

[PL 2005, c. 121, Pt. C, §1 (AMD).]

8. Nothing in this chapter requires an advisory organization or its members or subscribers immediately to refile final rates or premium charges previously approved or lawfully in effect. Members or subscribers of an advisory organization are authorized to continue to use rates or premium charges approved or lawfully in effect before the effective date of this chapter.

[PL 1991, c. 377, §10 (RPR).]

SECTION HISTORY

PL 1989, c. 797, §§8,37,38 (NEW). PL 1989, c. 843, §2 (NEW). PL 1991, c. 377, §10 (RPR). PL 2003, c. 671, §A1 (AMD). PL 2005, c. 121, §C1 (AMD). PL 2007, c. 188, Pt. B, §1 (AMD). PL 2009, c. 14, §1 (AMD).

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