



**Missouri Department of Commerce & Insurance
Insurance Market Regulation Division
Property and Casualty Section**

<http://insurance.mo.gov/industry/filings/checklists/AutoPersChklist.php>

Company Name: _____

Lead Form # as it appears in SERFF: _____

This list is in no way an exhaustive or complete statement of all requirements and provisions that might be applicable. This checklist is a representation of general provisions and objections and should not be construed as a legal position or legal advice. Please refer to the statutes and regulations for exact wording of requirements or prohibitions. The language within the Missouri Statutes and Regulations always prevails over this checklist.

Description of Provisions for Personal Auto Filings			
Type of Insurance (TOI) codes applicable to 19.0 and 30.0			
Review Requirements	Reference	Comments	Location in Contract (page and section #) If Applicable

Filing Requirements

Filing Fees	374.230 (6) RSMo	Filings can now be funded through EFT. The general filing fee is \$150.00 per line, for each company. As long as the filing is still open, EFT payment can be submitted.	
Applications	20CSR500-2.100(1) & 303.190(6)(4) RSMo	All applications for insurance are extensions of the contract and must be filed	
Required Policy Reporting—Fines Assessed	303.026 RSMo.	Insurers must report policy information once a month to the Dept. of Revenue	

Forms

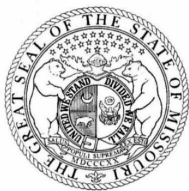
Application	20CSR500-2.300 375.936 RSMo 375.007 RSMo	Prohibits insurers asking applicants if they have ever been cancelled or non-renewed by prior insurer	
Cancel/non-renew/refusal to write—Mailing requirement	379.118 RSMo	Notice of cancellation/non-renewals must be mailed by certificate of mailing; notices or refusal to write must be mailed by certified mail or certificate of mailing	
Cancel/non-renew/refusal to write—Notice of	379.118 RSMo & 379.120 RSMo	Company must give 30 day notice	
Cancel/non-renew/refusal to write—Reasons	379.118 RSMo & 379.120 RSMo	Reasons for the cancellation/nonrenewal shall be clear and specific	
Cancel/non-renew—Grounds for	379.114 RSMo	Insurer may only cancel for nonpayment of premium or if driver's license is suspended or revoked	
	379.116 RSMo	Insurers are allowed to cancel or refuse to write those insureds/applicants with suspended or revoked licenses	



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Cancel/refuse to insure— Suspended license			
Renewal – Reduction of Coverage	379.118 RSMo	Company must give notice at least 15 days prior to the effective date of new policy	
Unfair Discrimination	375.936(11)(c)(d)(e)(f) RSMo	Cannot refuse to issue, refuse to renew, cancel or limit the amount of insurance due to geographic location, age of residential property, gender or marital status of the individual, or because another insurer has refused to issue a policy or has cancelled an existing policy	
Claim Reporting	20 CSR 100-1.020(1)(D)	Insurer cannot deny claim for failure of insured to provide notice of claim within a specified time frame	
Driver Exclusions	303.190(3) RSMo	Members of the insured's household may be excluded	
Form filings— effective date	20 CSR 500-4.100	Filings must be received by MDI within 10 days of the effective date	
Forms filings— deemer	375.920 RSMo	Form filings are deemed approved when received, MDI has 60 days to review	
Geographical coverage	20 CSR 500-2.100(E)	All policies must cover not less than the United States of America, its territories and possessions and Canada	
Insurance Identification cards	303.024 RSMo	Insurers are required to furnish ID cards to their insureds; statute explains what information must be contained on the ID cards, ID cards should be filed with our Department	
Automobile Insurance Plan	20 CSR 500-2.300(6) & 379.118 RSMo	When an insurer cancels/non-renews/refuses to write an auto policy they must give notice to the consumer of possible coverage through the Automobile Insurance Plan	
Mandatory Endorsement (name, address, phone)	375.924(1) RSMo	Requires policies to contain the name, address and telephone number of the insurer	
Medical payments coverage	20 CSR 500-2.100	Coverage may not be excess over any other coverage unless specifically provided for under policy and rated accordingly	
Minimum liability limit requirements	303.190.2(2)RSMo	BI \$25,000/person, \$50,000/accident PD \$25,000/accident	
Minimum policy term	303.175 RSMo	Personal auto liability policies are to be written for a minimum period of 3 months and the insurer must collect at least 1 month's premium up front	
Missouri Property & Casualty Guaranty Association	375.772 RSMo	Requires policy to contain the guaranty fund endorsement	
Motorcycle passenger liability	Case law--American Standard Insurance Company v. Dolphin, 801 S.W.2d 413 (Mo. Banc 1990)	Guest passenger liability mandatory	



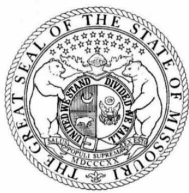
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Newly Acquired vehicles	20 CSR 500-2.100 & Case law—Magruder v. Shelter Insurance Company, 985 S.W.2d 869	Must give insured 30 days to report new vehicle and provide coverage unless insurer does not insure all owned vehicles	
Policy defined	20CSR500-2.300(3)(A)	A policy shall be considered a 6-month period even if issued for less than 6 months. Any insurer who terminates the policy before this anniversary date is canceling the policy and must follow 379.110-120 RSMo.	
Refusal to Issue-Armed Services Personnel	379.121 RSMo	Insurers cannot refuse to write or surcharge solely because an armed services applicant has no prior insurance	
Renewal Certificates	20CSR500-2.100(3)	Must contain the original policy number, name of the insured, the and coverage afforded	
Renewal notices	379.118(2) RSMo	Must be sent at least 15 days prior to policy expiration	
SR-22 Filings—Premium	20CSR500-2.300(4)(B)	Premiums charged for SR-22s shall be reasonable	
SR-26 Filings-Cancellations	303.210 RSMo & 20CSR500-2.300(4)(5)	Requires an additional 10 days of coverage after the notice of cancellation is filed with the Department of Revenue	
Theft rental coverage	20 CSR 500-2.100	Minimum coverage requirement-- \$10 day/\$300 max.	
Electronic Delivery of Insurance Documents	379.011 RSMo	Insurers sending notices or documents electronically shall obtain recipient's consent to be sent electronically.	

Uninsured/Under-Insured Motorist

Arbitration provisions	20 CSR 500-1.600	No forced arbitration is allowed in Uninsured Motorist coverage	
Government vehicles	Case Law – Martin v. State Farm Mutual Insurance Company, 755 S. W. 2d 638 (Mo. Banc 1988)	May not exclude under the Uninsured Motorist coverage	
Medical Payments/Workers' Compensation Payments	20CSR500-1.200(2)(G)1	Uninsured Motorist coverage shall not permit the off-set of med. pay or wc payments	
Stacking Uninsured Motorist limits	Case law—Cameron Mutual Insurance Company v. Madden, 533 S.W.2d 538 (Mo. Banc 1976)	Mandatory on every vehicle insured in Missouri	



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Underinsured Motorist Limits reduction	379.204 RSMo	Underinsured motorist coverage at limits less than 50/100 shall be paid as excess of the liability of any underinsured motor vehicle	
Uninsured Motorist coverage	379.203 RSMo	Mandatory with minimum Uninsured Motorist 25/50 limits	
Uninsured Motorist coverage exception	379.203 RSMo	Uninsured Motorist coverage must be provided on all motor vehicles except those employers who have a fleet of 5 or more, –Uninsured Motorist coverage must only be offered for this exception	

Rate

Comp/Uninsured Motorist/Fire/Theft	20 CSR 500-2.700	Insurers may not modify the rates for these coverages due to accidents or violations	
Consent to rate (A-Rates)	20 CSR 500-4.300	Sets out standards for using Consent to Rate filings	
Fees	375.052 RSMo & 379.356 RSMo	Incidental fees to premium installments, late payments, policy reinstatements or other similar services specifically provided for by law or regulation are allowed	
Rate increases prohibited	20CSR500-2.600(3)	Insurers cannot increase premiums for not at fault accidents	
Rate Standards	379.318 RSMo	Rates may not be excessive, inadequate or discriminatory; actuarial justification	
Rebates	379.356 RSMo	Prohibits rebating	
Rating organization filings	20CSR500-4.200(4)	Insurers adopting to use loss costs filed by a rating organization must file Exhibit A, B & C	
Required filings	20CSR500-4.100	All rates, rating plans, manual rules, policies and forms shall be filed within ten (10) calendar days after their effective date	
Rate Stabilization	Bulletin 16-05	Insurers use rate stability rules to moderate rate and premium fluctuations that may occur due to the acquisition of new business or changes in rating plans for existing policyholders.	
Price Optimization	Bulletin 16-02	Considered to be the use of factors to help determine or to adjust the insured's premium that are not specifically related to the insured's risk or hazard.	

Loss Settlement Provisions

Acknowledging claims/settlement provisions	375.1000 RSMo & 20CSR100-1.020-1.050	Misrepresentation of policy provisions, failure to acknowledge pertinent communications, standards for prompt investigation of claims, standards for prompt, fair and equitable settlement of claims	
Arbitration	20CSR500-1.600(1)	Precludes insurers from issuing policies that contain compulsory arbitration provisions	
Arbitration	435.350 RSMo	Arbitration statutes do not apply to insurance contracts	



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Loss Settlement	375.1000-1007 RSMo	Improper or unfair claims settlement practices definitions	
Intentional acts	375.1312 RSMo	Domestic violence, innocent coinsured statute	
Pre-judgment interest	408.040 RSMo	Defines requirements on pre-judgment interest	
Standards for Auto Claims	20 CSR 100-1.050(2)	Explains about estimates, subrogation, after-market parts, depreciation	
Statute of Limitations	516.110 RSMo	10 years	
Underinsured Motorist claims	379.204 RSMo	Insurers may not reduce payments for this coverage if the limits are less than 50/100	

Misc. Related Lines

GAP(Guaranteed Auto Protection)	We will follow the OCC's opinion in that as long as the credit provider indemnifies the debt cancellation agreement, it will not be regulated as insurance. However, any policies purchased by the credit provider to cover its obligations are considered to be insurance and will be regulated as such.		
VSC(Vehicle Service Contracts)	We consider anything other than the manufacturer or seller warranting its own product to be the business of insurance and regulate it as such		
TNC – Transportation Network Company Insurance	379.1700 – Definitions 379.1702 – Primary insurance maintained 379.1708 – Exclusions and limitations		

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