



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

<http://insurance.mo.gov/industry/filings/checklists/AutoCommChklist.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 Commercial Auto Type of Insurance (TOI) codes applicable to 20.0			
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.	
Withdraw from an entire line of insurance	379.886 RSMo	Requires insurers to notify Director 90 days in advance of canceling or non-renewing a line of business	

Forms

Applications	303.190(4) RSMo	Applications for insurance are extensions of the contract and must be filed	
Application	375.936 RSMo	Prohibits insurers from asking applicants if they have ever been cancelled or non-renewed by prior insurer	
Form filings- effective date	20 CSR 500-4.100	Filings must be received by our Department within 10 days of the effective date	
Cancellation Notice	379.883 RSMo	60 days prior to the effective date except for nonpayment of premium, fraud, changes in conditions after the	



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		effective date, insolvency of the insurer or if the insurer involuntarily loses reinsurance for the policy	
Nonrenewal—Notice of	379.883 RSMo	60 days prior to the effective date of nonrenewal	
Cancellation/Nonrenewal—Reasons for	379.883 RSMo	Insurer's actual reason to be sufficiently clear and specific. An assignment or transfer among affiliated insurers within a group is not considered a cancellation/nonrenewal	
Cancellation/Nonrenewal—Policyholder right to claims history	379.884 RSMo	Within 30 days of a written request, the insured shall provide to the insured receive a statement of claims history for the 3 years prior to the date of cancellation; or total claims history if policy has been in effect less than 3 years	
Cancellation/Nonrenewal—Mailing Requirement	379.885 RSMo	Proof of mailing to the named insured at his last known address	
Mandatory endorsement (name, address, phone)	375.924(1) RSMo	Requires policies to provide the name, address and telephone number of the insurer	
Missouri Property & Casualty Guaranty Association	375.772 RSMo	Requires policies to include the guaranty fund endorsement.	
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	303.190.2(3) RSMo	Policies issued to corporations and partnerships cannot exclude drivers; commercial policies that list a "natural person" as a named insured may exclude a household member	
Form filings—effective date	379.978 RSMo	Requires insurers who write earthquake to prepare and retain a written disaster plan covering earthquakes	
Insurance Identification cards	303.024 RSMo	Insurers are required to furnish ID cards to their insureds; statute explains what specifies information must be contained included on the ID cards; ID cards should be filed with the Department	
Insureds Driving in Canada		Canada requires a PAU filing for all carriers who provide liability coverage to drivers entering into Canada	



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Automobile Insurance Plan	20 CSR 500-2.300(6) & 379.120 RSMo	When an insurer cancels/non-renews an auto policy, they must give notice to the consumer of possible coverage through the Automobile Insurance Plan	
Minimum liability limit requirements	303.190.2(2) RSMo	BI \$25,000/person, \$50,000/accident PD \$25,000/accident	
SR-22 filings-Premium	20 CSR 500-2.300(4)(B)	Premiums charged for SR-22s shall be reasonable	
SR-26 filings—Cancellations	20 CSR 500-2.300(4)(5) & 303.210 RSMo	Requires an additional 10 days of coverage after the notice of cancellation if filed with the Department of Revenue	
Electronic Delivery of Insurance Documents	379.011 RSMo	Insurers sending notices or documents electronically shall obtain recipient's consent to be sent electronically.	
Reduction of Coverage	379.321.6(8)	10 day notice for material restriction or reduction in coverage not specifically requested by the insured, required by law or based on the altered nature or extent of the risk insured.	

Uninsured/Under-insured Motorists

Arbitration	435.350 RSMo	Mandatory binding arbitration prohibited in contracts of insurance.	
Government vehicles	Case Law--Martin v. State Farm Mutual Insurance Company, 755 S.W. 2d 638 (Mo. Banc. 1988)	May not be excluded for Uninsured Motorist coverage	
Medical Payments/Workers' Compensation Payments	20CSR500 2.100(2)(G)1	Uninsured Motorist coverage shall not permit the off-set of med. pay or workers' compensation 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	
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 uninsured motor vehicle	
Underinsured Motorist Limits reduction	379.204 RSMo	Underinsured motorist coverage at limits less than 50/100 shall be paid over and above the other drivers liability limits, no limits to limits reductions	



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Uninsured Motorist coverage	379.203 RSMo	Mandatory with minimum 25/50 Uninsured Motorist limits	
Uninsured Motorist coverage exception	379.203 RSMo	Uninsured Motorist coverage is required on all motor vehicles except for employers who have a fleet of 5 or more, or 8 + passenger commercial vehicles. In those cases, Uninsured Motorist coverage must only be offered.	

Loss Settlement Provisions

Acknowledging claims/settlement provisions	375.1000-1007 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	435.435 RSMo & Case Law—Standard Sec. Life Ins. Co. v. West 127 F.Sup.2d 1064 W.D. MO., 200	Arbitration statutes do not apply to insurance contracts	
Arbitration	20CSR500-1.600(1)	Precludes insurers from issuing policies that include compulsory arbitration provisions	
Statute of limitations	516.110 RSMo	10 years	
Intentional Acts	375.1312 RSMo	Domestic violence, innocent coinsured statute	
Pre-judgment Interest	408.040 RSMo	Defines requirements on pre-judgment interest	

Rates

Rate Standards	379.470 RSMo	Rates may not be excessive, inadequate or unfairly discriminatory; actuarial justification and a 3-year rate history is requested with all rate filings	
Consent to Rate – (A Rate)	379.888.1(1) RSMo	Defines "A Rates" as being those rates individually determined based on judgment because neither a rate service organization nor the insurer has established a manual rates	
Consent to Rate – (A Rate)	20CSR500-4.300	Sets out standards for using "Consent to Rate"	



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Deviation from rating organization	379.326 RSMo	Deviations from rating organizations shall be filed with the Director and are effective upon the date of filing	
Fees	375.052 RSMo & 379.356 RSMo	Incidental fees for premium installments, late payments, policy reinstatements or other similar services specifically provided for by law or regulation are allowed	
Rating organization filings	20 CSR 500-4.200(4)	Insurers adopting loss costs filed by a rating organization must file Exhibit A, B & C	
Rebates	379.356 RSMo	Prohibits rebating	
Schedule Rating	20 CSR 500-4.100	Rating plans are prohibited to have a credit/debit greater than 25% based on risk characteristics	
Misquote of premium	Bulletin 87-08 & 87-06	Policies in effect less than 60 days may be re-rated at the correct amount; those more than 60 days old must continue coverage at quoted rate unless insured misrepresented information	
Rate increases prohibited	20CSR500-2.600(3)	Insurers cannot increase premiums for not at fault accidents.	

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		

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