

Nebraska Department of Insurance

**COMMERCIAL FIRE FORM and RATE FILING REQUIREMENTS**

<b>Filing and Policy Requirements</b>	<b>Statutory and Regulatory Reference</b>	<b>Requirement Description</b>
<b>General Filing Requirements</b>		
SERFF Filing Required	<a href="#">Bulletin CB-50 (Amended)</a>	As of May 1, 2010, all filings submitted to Nebraska are required to be submitted electronically, using the NAIC System for Electronic Rate and Form Filing. Contact Person: Connie Van Slyke, 402-471-4647
Retaliatory Fees	<a href="#">NE Statute 44-150</a>	Nebraska is a retaliatory state and all fees, premium taxes, deposits, and other charges will be charged at the rate in Nebraska law or the rate charged by the domiciliary state, whichever is higher.
Unfair Trade Practices Act	<a href="#">NE Statute 44-1521</a> to <a href="#">44-1535</a>	Purpose is to regulate unfair trade practices in the business of insurance, in accordance with the intent of the Congress of the United States as expressed in Public Law 79-15, by defining, or providing for the determination of, all acts and practices in this state which constitute unfair trade practices and by prohibiting the acts and practices so defined or determined.
Underwriting Decisions	<a href="#">Bulletin CB-40 (Amended)</a>	Underwriting refusals based solely on previous nonrenewal, rejection, or cancellation of property and casualty business – the Department’s position is that additional information seeking the reasons for past nonrenewals, rejections or cancellations should be solicited.
<b>Form Filing Requirements</b>		
Forms	<a href="#">NE Statute 44-7506</a> <a href="#">NE Statute 44-7508.01</a>	File & Use – Filings must contain an effective date. The effective date can be the same as the day the Department receives the filing – not sooner.
Filings Standards	<a href="#">Bulletin CB-50 (Amended)</a> <a href="#">NE Statute 44-7501</a> to <a href="#">44-7535</a>	Nebraska Filing Bulletin – When revising currently approved forms, a comparison of the existing form should be included with all changes clearly identified (red-lined copies). An insurer does not need to file forms and endorsements that an advisory organization has filed on its behalf. Submit forms lists whenever forms are changed, added, or removed. See Nebraska Rate and Form Act.

<b>Form Filing Requirements (cont.)</b>		
<b>Filing and Policy Requirements</b>	<b>Statutory and Regulatory Reference</b>	<b>Requirement Description</b>
Applications	<a href="#">NE Statute 44-7508.01</a>	Must be filed if coverage is bound.
Arbitration	<a href="#">NE Statute 25-2602</a>	Uniform Arbitration
Nebraska Property & Liability Insurance Guaranty Association Act	<a href="#">NE Statute 44-2401</a> to <a href="#">44-2418</a>	Provides a method for the payment of certain claims against insolvent insurance companies, as defined in sections 44-2401 to 44-2418 to avoid unnecessary delay in payment of such claims, to avoid financial loss to claimants or to policyholders, to assist in the detection and prevention of insurer insolvencies, and to provide an association of insurers against which the cost of such protection may be assessed in an equitable manner.
Cancellation & Non-Renewal	<a href="#">NE Statute 44-522</a>	Sixty day notice is required for cancellation or nonrenewal.
Fraud & Misrepresentation	<a href="#">NE Statute 44-358</a>	Policies; misrepresentations; warranties; conditions, effect
Loss Settlement	<a href="#">NE Statute 44-501.02</a> <a href="#">Bulletin CB-94</a> Title 210, <a href="#">Chapter 60</a>	Valued Policy Law Unfair Property and Casualty Settlement Practices Rule
<b>Rate Filing Requirements</b>		
Rates	<a href="#">NE Statute 44-7506</a> <a href="#">NE Statute 44-7508.01</a>	File & Use – Filings must contain an effective date. The effective date can be the same as the day the Department receives the filing – not sooner.
Pricing	<a href="#">NE Statute 44-354</a> <a href="#">NE Statute 44-7509</a> <a href="#">NE Statute 44-7512</a>	Policies; special fees are prohibited. Rating Flexibility – Insurers may increase or decrease premiums on an individual risk basis up to 40%. Effective January 1, 2001, Subjective Rating is not allowed.
Exempt Commercial Policyholders	Title 210, <a href="#">Chapter 73</a> <a href="#">NE Statute 44-7515</a>	Review the requirements to see if a risk qualifies as an Exempt Commercial Policyholder.
Additional Criteria Required	<a href="#">NE Statute 44-7508</a>	Include any necessary information (i.e., loss development, trend, market analyses, etc.) necessary to explain and justify the changes made. Clearly show the requested change versus the indicated change and provide an adequate explanation when the request differs significantly from the indicated.