

Chapter 75

APPLICABILITY OF FORM APPROVAL PROVISIONS TO MULTI-STATE PROPERTY AND CASUALTY POLICYHOLDERS

001. Purpose.

The purpose of this chapter is to implement the provisions of section 14 of LB 1119, passed in the 2000 session of the Nebraska Legislature and codified at Neb.Rev.Stat. § 44-7514 that relieve commercial policyholders primarily located in another state from the applicability of form filing requirements in Nebraska.

002. Authority.

This chapter is promulgated under the authority vested in the Director under Neb.Rev.Stat. §44-101.01 and Neb.Rev.Stat. § 44-7514.

003. Applicability and Scope.

This chapter applies to qualifying multistate commercial entities for all commercial property and liability insurance subject to the Property and Casualty Insurance Rate and Form Act.

004. Definitions.

004.01 The definitions provided in Neb.Rev.Stat. § 44-7504 apply for purposes of this chapter.

004.02 Qualifying multistate commercial policyholder means an entity that meets all of the following qualifications:

- (a) The policyholder is commercial in nature.
- (b) If the policyholder is comprised of multiple corporations or other entities, there is common or majority ownership of each of the members by the same parent entity. Qualifying multistate commercial policyholder does not include franchise arrangements or other groups where individual members of the group are under different ownership.
- (c) The office with the largest number of the officers and senior management of the policyholder is located outside of Nebraska. If this criteria is not meaningful or is ambiguous for a policyholder, then the total premiums for lines of insurance subject to the Property and Casualty Insurance Rate and Form Act that are attributable to another jurisdiction must exceed those premiums attributable to Nebraska.

005. Usage of Unapproved Policy Forms.

Insurers may use policy forms for qualifying multistate commercial policyholders that have not received approval pursuant to the Property and Casualty Insurance Rate and Form Act.

006. Policy Forms; Conflicts Determined in Accordance with Nebraska Statute, when.

Policy forms for qualifying multistate commercial policyholders may include language that conflicts with Neb.Rev.Stat. §§ 44-357, 44-358, and 44-501.02. If a conflict results between a policy form and the requirements of any of these sections, then these sections shall apply.

007. Policy Forms; Conflicts Determined in Accordance with the Policy Form, when.

Policy forms for qualifying multistate commercial policyholders may include language that conflicts with Neb.Rev.Stat. §§ 44-349, 44-350, 44-501, 44-514 to 44-518, 44-520 to 44-523, and 44-6408 and the provision of § 44-601 that prohibits policies with a term longer than five years. If a conflict results between a policy form and the requirements of any of these sections, then the language in the policy form shall apply to the extent that it is inconsistent with such sections.

008. Policy Forms; Violations of Nebraska Law Prohibited.

Except as set forth in sections 005, 006 and 007 of this chapter, no insurer shall use a policy form exempted from policy form approval requirements by this chapter that violates any law of this state.

009. Severability.

If any section or portion of a section of this chapter, or the applicability thereof to any person or circumstance, is held invalid by a court, the remainder of this chapter, or the applicability of such provision to other persons, shall not be affected thereby.

010 Effective Date.

This chapter shall apply to all commercial insurance policies subject to the Property and Casualty Insurance Rate and Form Act with an effective date on or after January 1, 2001.