

11 NCAC 10 .1102 APPLICABILITY

The following Subparagraphs indicate which Rules of this Section apply to a particular filing. All rate filings must be submitted separately and under independent cover from form filings.

- (1) Rule .1111 applies to all workers' compensation insurance rate filings made by the North Carolina Rate Bureau.
- (2) Rule .1104 applies to all nonfleet private passenger automobile insurance rate filings made by the North Carolina Rate Bureau or the North Carolina Reinsurance Facility.
- (3) Rule .1105 applies to all rate filings made by the North Carolina Rate Bureau other than those involving workers' compensation insurance or nonfleet private passenger automobile insurance.
- (4) Rule .1106 applies to all filings for deviations from the rates of the North Carolina Rate Bureau.
- (5) Rule .1107 applies to all rate filings (including those filings derived from filings of licensed rating organizations), other than those involving:
 - (a) Lines of insurance under the jurisdiction of the North Carolina Rate Bureau.
 - (b) Nonfleet private passenger automobile insurance rates for the North Carolina Reinsurance Facility.
- (6) Rule .1108 applies to all rate filings described in Subparagraph (5) of this Rule that meet either or both of the following criteria:
 - (a) A filing for a coverage that involves an increase in one year greater than ten percent or a decrease greater than 20 percent.
 - (b) A filing for a coverage by a company whose market share is greater than ten percent.
- (7) In Subparagraph (6) coverage shall mean one of the following:
 - (a) Accountants' professional liability;
 - (b) Architects' and engineers' professional liability;
 - (c) Child care liability (other than such coverage sold incidental to another coverage, e.g., in homeowners' or commercial multiperil policies);
 - (d) Dentists' professional liability;
 - (e) Directors', officers', and trustees' liability;
 - (f) Errors and omissions liability;
 - (g) Hospital premises liability;
 - (h) Hospital professional liability;
 - (i) Lawyers' professional liability;
 - (j) Liquor law liability;
 - (k) Municipal liability;
 - (l) Nurses' professional liability;
 - (m) Owners', landlords', and tenants' liability;
 - (n) Physicians' and surgeons' professional liability;
 - (o) Police professional liability;
 - (p) Pollution and environmental impairment liability;
 - (q) Products and completed operations liability;
 - (r) Public official liability;
 - (s) Public school liability;
 - (t) Recreational liability;
 - (u) Other health care specialties' professional liability;
 - (v) If not one of Subparagraphs (7)(a) through (7)(u) of this Rule, one of the lines listed on Page 14 of the Annual Statement.
- (8) Rule .1109 applies to all licensed rating organizations participating in a filing made by the North Carolina Rate Bureau or the North Carolina Reinsurance Facility.
- (9) Rate filings are not required for the following lines of insurance:
 - (a) Aviation physical damage;
 - (b) Mortgage guaranty;
 - (c) Ocean marine.
- (10) Rate filings are not required for the following types of policies:
 - (a) Those written pursuant to the Surplus Lines Act;
 - (b) Those written under the Fair Access to Insurance Requirements (FAIR) Plan that include coverages other than crime insurance;

- (c) Those written by the North Carolina Insurance Underwriting Association (the Beach Plan) that include coverages other than windstorm and hail only or crime insurance;
 - (d) Those written in North Carolina covering multistate insureds except in respect to coverages applicable to North Carolina locations;
 - (e) Those written by a town or county farmers' mutual fire insurance association restricting its operations to not more than six adjacent counties in this State;
 - (f) Those that contain assessment provisions and that are written by domestic insurance companies, associations, orders, or fraternal benefit societies that are not reciprocals.
- (11) All inland marine manual rates and rating plans must be filed.
- (a) This Subparagraph applies to the manual rates and rating plans of both companies and rating organizations.
 - (b) Rates and rating plans that are not contained in or derived from a manual need not be filed.
- (12) Rate filings are required for all rates whether advisory, suggested, or manual, except for those lines, policies, and rates specifically excluded in Subparagraphs (9), (10), and (11) of this Rule.
- (a) Rates applicable to only one particular risk must be filed.
 - (b) Rates may be filed either as manual rates or as ranges of rates from which the rates for individual insureds are determined.
 - (c) Rates based on loss cost filings must be filed in accordance with all the requirements of Rules .1107 and .1108 including the one that requires a comparison of current and proposed rates.
- (13) Rules .1107 and .1108 also apply to loss cost filings. In cases where a rating organization files prospective loss costs, the same requirements as for rate filings apply, with the exception of those dealing with expense and profit provisions.
- (14) The rates contained in all filings approved prior to January 1, 1990, other than those made by the North Carolina Rate Bureau or the North Carolina Reinsurance Facility, shall have an expiration date of January 1, 1992. Such rates may, subject to the Department's approval, be automatically renewed by a letter to the Department, specifying the Department's file number and the original approval date. Thereafter, they remain in effect until superseded, withdrawn, or modified by a subsequent filing.
- (15) Loss costs, rates, or multipliers for workers' compensation and employers' liability that are based upon prospective loss costs filings of the North Carolina Rate Bureau shall be submitted in accordance with Rule .1110 of this Section.

History Note: Authority G.S. 58-2-40; 58-36-15; 58-36-30; 58-36-100; 58-40-30; 58-40-40; 58-41-50; 58-45-35; 58-46-15;
 Eff. January 1, 1989;
 Amended Eff. February 1, 1996; April 1, 1992; July 1, 1990; January 1, 1990;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.