

**ALASKA DIVISION OF INSURANCE FILING CHECKLIST**  
**Property & Casualty Forms**

	<b>POLICY PROVISION</b>	<b>REFERENCE</b>	<b>COMMENTS</b>	<b>PAGE #</b>
<input type="checkbox"/>	<b>Alaska Rule of Civil Procedure 82</b>	<a href="#">3 AAC 26.500-.550</a> <a href="#">Order R96-03</a> <a href="#">Bulletin 96-04</a>  Supreme Court Case No. SP-5715	A policy that limits coverage for attorney fees taxable against an insured under Alaska Rule of Civil Procedure 82 must satisfy the minimum standards of <a href="#">3 AAC 26.500-3 AAC 26.550</a> . <a href="#">Bulletin 96-04</a> provides sample notices.  <i>Therchik v. Grant Aviation, Inc. (7/25/2003)</i> – Alaska Supreme Court ruled that Civil Rule 82 notices must be "close to identical" to notices in Bulletin 96-04. The notices provided with Bulletin 96-04 must be used. Replacement notices may be submitted for review, but you will be required to demonstrate that the sample notices do not meet the needs of your company.	
<input type="checkbox"/>	<b>Appraisal</b>	<a href="#">AS 21.96.035</a>	The time frames and appraisal process must be consistent with the statute. Each party must bear expenses and fees, not including counsel & adjusters' fees, as determined by the umpire. Neither the rights of the insured nor the insurer are restricted.	
<input type="checkbox"/>	<b>Arbitration</b>	<a href="#">AS 09.43.300-.595</a> <a href="#">3 AAC 26.075</a>	Contracts entered into after January 1, 2005 must comply with the Revised Uniform Arbitration Act, including an Alaskan venue.	
<input type="checkbox"/>	<b>Arbitration Fees</b>	<a href="#">AS 09.43.480</a> (d)	Arbitrator's expenses and fees, along with other expenses, shall be paid as provided in the award.	
<input type="checkbox"/>	<b>Cancellation Fee</b>	<a href="#">AS 21.36.255</a> (a)	If the insured cancels a policy, the insurer may charge a cancellation fee of not more than 7.5% of the unearned premium. A cancellation fee may not be charged unless the fee is clearly stated in the policy. A statement that the cancellation fee will not exceed 7.5% does not satisfy this requirement. The exact amount of the fee must be stated.  A form that describes the cancellation fee only as the standard short rate will be disapproved.	

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<input type="checkbox"/>	Cancellation Notice for a Business or Commercial Policy	<a href="#">AS 21.36.220</a> (b)	<p>If an insurer cancels, a written notice must be mailed to the insured and to the agent or broker of record at least:</p> <ul style="list-style-type: none"> <li>• 10-day notice for discovery of fraud or material misrepresentation made by the insured, etc. (see statutes);</li> <li>• 20-day notice is for nonpayment of premium, etc. (see statutes);</li> <li>• 60-day notice before the effective date of the cancellation for any other reason.</li> </ul>	
<input type="checkbox"/>	Cancellation Notice for a Personal Insurance Policy	<a href="#">AS 21.36.220</a> (a)	<p>If an insurer cancels, a written notice must be mailed to the named insured at least:</p> <ul style="list-style-type: none"> <li>• 10-day notice for discovery of fraud or material misrepresentation made by the insured, etc. (see statutes);</li> <li>• 20-day notice for nonpayment of premium, etc. (see statutes);</li> <li>• 30-day notice before the effective date of the cancellation for any other reason.</li> </ul> <p>If the insured is 70 years old or older, the policy should indicate that a cancellation notice will be sent to the named insured's designee, if elected.</p>	
<input type="checkbox"/>	Claim Payment	<a href="#">3 AAC 26.070</a> (a)(2)	Undisputed portions of a first party claim must be paid within 30 working days.	
<input type="checkbox"/>	Claims-made-and-reported	<a href="#">AS 21.42.130</a>	A claims-made policy may not require that claims be both made against the insured and reported to the company within the same annual policy period.	
<input type="checkbox"/>	Concealment, Fraud Or Misrepresentation	<a href="#">AS 21.42.110</a>  <a href="#">AS 28.20.440</a> (f)(1)	<p>All statements and descriptions in an application shall be considered to be representations and not warranties.</p> <p>A policy may be cancelled upon discovery of fraud or material misrepresentation; or may be rescinded upon discovery of fraud or material misrepresentation made in the application for insurance.</p> <p>Cancellation or rescission may not be possible for Auto Liability policies after injury or damage has occurred.</p>	

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<input type="checkbox"/>	Concurrent Causation	<a href="#">AS 21.36.096</a>	Insurers may not deny a claim if a risk, hazard, or contingency insured against is the dominant cause of a loss and the denial occurs because an excluded risk, hazard, or contingency is also in a chain of causes but operates on a secondary basis. Language such as "regardless of any other cause which may have contributed concurrently or in any sequence with" appearing in exclusions or limitations violates this statute.	
<input type="checkbox"/>	Entire Contract in Policy	<a href="#">AS 21.42.150</a>	The policy must contain the entire contract between the parties.	
<input type="checkbox"/>	Examination Under Oath	<a href="#">AS 21.42.130</a>	An insured must be allowed to have legal representation present when examined under oath.	
<input type="checkbox"/>	Exempt Commercial Policy	<a href="#">3 AAC 29.525-.530</a> <a href="#">3 AAC 29.545</a> <a href="#">Bulletin 05-06</a>	An exempt commercial policyholder must meet the standards in <a href="#">3 AAC 29.545</a> . An informational filing must be submitted no later than 30 days after the proposed effective date and must comply with the applicable requirements of 3 AAC 29.500 - 550.	
<input type="checkbox"/>	Extended Reporting Period	<a href="#">AS 21.42.130</a>	A claims-made policy must: <ul style="list-style-type: none"> <li>• provide a 60 day automatic extended reporting period (ERP) at no charge,</li> <li>• allow 60 days in which to purchase optional ERP coverage, and</li> <li>• permit the purchase of optional ERP coverage for a period of at least 5 years.</li> </ul>	
<input type="checkbox"/>	Form Numbers	<a href="#">AS 21.42.160</a> (d) <a href="#">3 AAC 31.250</a> (a)	Each form must have an identifying form number. When a change is made to a form the designating letters, figures, terms, or other unique identifier shall be changed.	
<input type="checkbox"/>	Fungus, Mildew and Mold Exclusions	<a href="#">AS 21.36.096</a> <a href="#">Bulletin 04-07</a>	Coverage for fungus, mildew or mold may not be excluded when it results from a covered cause of loss.	

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<input type="checkbox"/>	Lawsuits Against Insurer	<a href="#">AS 09.10.053</a> Supreme Court Case No. 1780 <i>Kaiser v. Umialik Ins.</i> No. SP-5877 <i>Brannon v. Continental Cas.</i> No. SP-6016	A person has three years to bring an action upon a contract.  In <i>Fireman's Fund Ins. Co v. Sand Lake Lounge, Inc.</i> (09/24/1973), the Alaska Supreme Court ruled that such a time limitation begins to run only after there has been a breach of contract such as a denial of a claim or failure to defend. A form that states the time limitation begins from the date of the occurrence or time of loss will be disapproved.	
<input type="checkbox"/>	Minimum Earned Premium	<a href="#">AS 21.36.255</a> (a)(2)	Minimum earned premiums must be stated in the policy.	
<input type="checkbox"/>	Non-Renewal	<a href="#">AS 21.36.240</a>	A non-renewal notice must be sent at least: <ul style="list-style-type: none"> <li>• 20 days before expiration of a personal insurance policy; and</li> <li>• 45 days before the expiration of a business or commercial policy.</li> </ul>	
<input type="checkbox"/>	Other Insurance	<a href="#">AS 21.42.130</a>	Making a primary policy excess over any other applicable insurance is misleading and grounds for disapproval under <a href="#">AS 21.42.130</a> .	
<input type="checkbox"/>	Policy Contents	<a href="#">AS 21.42.160</a>	General policy content requirements such as names of parties to the contract, premium, conditions, etc. See the statute for details.	
<input type="checkbox"/>	Proof Of Notice	<a href="#">AS 21.36.260</a>	All notices must be mailed by first class mail to the last known address of the insured. A certificate of mailing, or certified mail receipt, must be obtained from the U.S. Postal Service or, the notice may be transmitted electronically if the insurer can obtain an electronic confirmation of receipt; a receipt from sending a Certified Mail letter is acceptable. Alternate methods of delivery may be used in addition to mailing or acceptable electronic transmittal, but cannot be used to replace the statutory requirement.	
<input type="checkbox"/>	Renewal Notice With Altered Terms	<a href="#">AS 21.36.235</a>	Notice must be given if the renewal premium is increased by more than 10% or if there is a material restriction or reduction in coverage at least: <ul style="list-style-type: none"> <li>• 20 days before the expiration of a personal insurance policy; or</li> <li>• 45 days before the expiration of a business or commercial policy.</li> </ul>	

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<input type="checkbox"/>	Territory	<a href="#">AS 21.42.130</a>	The coverage territory must include Alaska.	
<input type="checkbox"/>	Terrorism Forms	<a href="#">Bulletin 08-01</a>	Refer to the Bulletin for guidance.	
<input type="checkbox"/>	Time Limit on Filing Claims	<a href="#">AS 21.42.130</a> Supreme Court Case No. S-2408	An insurer may not put a blanket limitation on the time in which an insured has to file claims. In <i>Estes v. Alaska Insurance Guaranty Association</i> (05/26/1989), the Alaska Supreme Court ruled that an insurer must show prejudice due to late reporting of a claim in order to be excused from meeting its obligations.	
<input type="checkbox"/>	Unearned Premium Refund Insured Cancel	<a href="#">AS 21.36.255</a>	The insurer must return any unearned premium: (a) within 45 days of receipt of a request for cancellation, or (b) the effective date of cancellation, whichever is later.	
<input type="checkbox"/>	Unearned Premium Refund Insurer Cancel	<a href="#">AS 21.36.220</a> (c)	The unearned premium must be refunded before effective date of cancellation except for the reasons stated in <a href="#">AS 21.36.220</a> (c)(1). Then the refund must be within 45 days after the notice of cancellation.	

Name (print): \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_