

ALASKA DIVISION OF INSURANCE FILING CHECKLIST
Personal Automobile Insurance Forms

Section I – Required For All Filings

	POLICY PROVISION	REFERENCE	COMMENTS	PAGE #
<input type="checkbox"/>	Entire Contract in policy	AS 21.42.150 AS 28.20.440(f)(4) AS 28.22.111(3)	The policy must contain the entire contract between the parties. The policy consists of the application, the policy, and all endorsements or riders.	
<input type="checkbox"/>	Applications must be filed	AS 28.20.440(f)(4) AS 28.22.111(3) AS 21.42.120(a)	Applications are considered part of the policy and must be filed.	
<input type="checkbox"/>	Form Numbers	AS 21.42.160(d) 3 AAC 31.250(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.	

Section II – Check all Provisions that Apply

	POLICY PROVISION	REFERENCE	COMMENTS	PAGE #
<input type="checkbox"/>	Alaska Rule of Civil Procedure 82	3 AAC 26.500 – .550 Order 96-03 Bulletin 96-04 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 3 AAC 26.500 – .550 . Bulletin 96-04 provides sample notices. <i>Therchik v. Grant Aviation, Inc.</i> (7/25/2003 SP-5715) 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 are required to demonstrate that the sample notices do not meet the needs of your company.	
<input type="checkbox"/>	Appraisal	AS 21.96.035	Motor vehicle policies must include an appraisal clause. The timeframes and appraisal process must be consistent with the statute. Each party must bear expenses and fees, not including counsel and adjusters' fees, as determined by the umpire. Neither the rights of the insured nor the insurer are restricted.	

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<input type="checkbox"/>	Arbitration	AS 09.43.300 – .595 AS 21.96.020 (f)(1) AS 21.42.130 3 AAC 26.075	Contracts entered into after January 1, 2005 must comply with the Revised Uniform Arbitration Act, including an Alaskan venue. Expenses and fees must be paid as determined by the arbitrator. See Regulation 3 AAC 26.075 for additional requirements	
<input type="checkbox"/>	Cancellation fee	AS 21.36.255 (a) AS 21.42.130	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 form that describes the cancellation fee only as the standard short rate will be disapproved.	
<input type="checkbox"/>	Cancellation notice for a personal insurance policy	AS 21.36.220 (a)	If an insurer cancels, a written notice must be mailed to the named insured at least: <ul style="list-style-type: none"> • 10-day notice for suspension or revocation of driver’s license or motor vehicle registration; • 20-day notice for nonpayment of premium. 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.	
<input type="checkbox"/>	Cancellation reasons	AS 21.36.210	The policy may only be cancelled by the insurer for: <ul style="list-style-type: none"> • nonpayment of premium; • the suspension or revocation of the driver’s license or motor vehicle registration during the policy period. These reasons do not apply to: (1) the failure to renew a policy, except policies that have been in effect for less than 12 months, or (2) a new business policy that has been in effect for less than 60 days at the time the cancellation notice is mailed.	
<input type="checkbox"/>	Claim Payment	3 AAC 26.070 (a)(2)	Undisputed portions of a first party claim must be paid within 30 working days.	

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<input type="checkbox"/>	Claim Settlement	3 AAC 26.080 Bulletin B15-11	<p>Total loss claims for motor vehicles may be settled by providing a comparable and available replacement vehicle or by making a cash settlement based on the actual cost to purchase a replacement vehicle. The actual cost to purchase a replacement vehicle must be determined as described in regulation 3 AAC 26.080</p> <p>Any deduction from the cost of a comparable motor vehicle, including deduction for salvage, must be fair and appropriate and fully explained to the claimant.</p> <p>The offer of a replacement vehicle must include all taxes, license fees, destination or delivery charges, and other fees incidental to transfer of ownership of the motor vehicle.</p>	
<input type="checkbox"/>	Concealment, Fraud, or Misrepresentation	AS 21.42.110 AS 28.20.440(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>	
<input type="checkbox"/>	Concurrent Causation	AS 21.36.096	<p>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.</p>	

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		AS 21.36.460 (e),(f) Bulletin 18-08	Reconsideration certification is required to be filed if credit will be used to underwrite or rate personal insurance coverage.	
<input type="checkbox"/>	Credit information use	AS 21.36.460 (a) Bulletin 03-07 Bulletin 03-11 Bulletin 18-08	<p>Disclosure on application and at renewal: Use of the following language will constitute compliance with the notice provision of this statute:</p> <p>In connection with this application for insurance or notice of renewal, we will review your credit report or obtain or use a credit-based insurance score based on the information contained in your credit report. We may use this information to decide whether to insure you or how much to charge.</p> <p>If a third-party is used to calculate the insurance score, the notice must also include language similar to the following:</p> <p>We may use a third-party in connection with the development of your insurance score.</p>	
<input type="checkbox"/>	Deductibles	AS 28.20.440 (b)(2) AS 28.22.101 (d)	Insurers may not allow an insured to assume any part of the required minimum amount of coverage. Accordingly, no deductible may be applied to liability coverages until after the minimum liability limits have been paid.	
<input type="checkbox"/>	Examination Under Oath	AS 21.42.130	An insured must be allowed to have legal representation present when examined under oath.	
<input type="checkbox"/>	Family Personal Injury Exclusions and other Passenger or Operator Exclusions	Bulletin 99-07 Bulletin 98-10	Not providing liability coverage to any family member for bodily injury to any family member is a violation of AS 28.20.440 (b), AS 28.22.101 , and AS 21.96.020 . Similarly, blanket passenger or operator exclusions violate AS 28.20.440 (b), AS 28.22.101 , and AS 21.96.020 .	
<input type="checkbox"/>	Fungus, Mildew, and Mold exclusions	AS 21.36.096 Bulletin 04-07	Coverage for fungus, mildew, or mold may not be excluded when it results from a covered cause of loss. See Bulletin 04-07 for additional requirements.	

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<input type="checkbox"/>	Intentional Acts Exclusion	AS 21.36.430	Coverage may not be refused, cancelled, denied, or premium increased based only on the fact that a person was a victim of domestic violence.	
<input type="checkbox"/>	Lawsuits Against Insurer	AS 09.10.053 No. SP-5877 <i>Kaiser v. Umialik</i> No. SP-6016 <i>Brannon v. Continental Co.</i> No. 6776 <i>McDonnell v. State Farm</i>	A person has three years to bring an action upon a contract. <i>In Fireman's Fund Ins. Co v. Sand Lake Lounge, Inc. (09/24/1973; No. 1780)</i> , 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. The three year timeframe for bringing action upon a contract also applies to UM/UIM claims.	
<input type="checkbox"/>	Minimum Earned Premium	AS 21.36.255 (a)(2)	A rating rule must be included in the rating manual for minimum earned premiums and the premium must be stated in the policy.	
<input type="checkbox"/>	Minimum Liability Coverages	AS 21.96.020 AS 28.22.101 Bulletin 79-04	An automobile liability policy must provide liability coverage with limits of at least: \$50,000 per person for bodily injury (BI), \$100,000 per accident for BI, \$25,000 for property damage (PD). If BI and PD coverage are instead subject to a combined single limit (CSL), the minimum single limit equivalent is \$125,000. Further, as noted in Bulletin 79-04, all policies containing a CSL provision shall be considered to include the following provision: <i>"that the limit of liability for such policies for a single accident shall not be exhausted until each of the legally required minimums for BI liability and for PD liability is paid, whether or not such payment causes the liability for the policy in question to exceed the stated amount."</i>	
<input type="checkbox"/>	Named Driver Exclusions	AS 28.20.440 (l) Bulletin 98-10	Insurers must honor the request of the named insured to exclude an operator who is a resident of the household or relative. Exclusions of other drivers is not permitted to the extent it lowers coverage below the minimum required limits.	

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<input type="checkbox"/>	Non-Renewal	AS 21.36.240	A nonrenewal notice must be sent at least 20 days before expiration of a personal insurance policy. An insurer may fail to renew a personal policy only on the policy's <u>annual</u> anniversary.	
<input type="checkbox"/>	Notice of Assigned Risk Plan Eligibility	AS 21.36.250	When a policy is cancelled, other than for nonpayment of premium, or is not renewed, notice must be given to the named insured of possible eligibility for insurance through the automobile assigned risk plan. This notice is not required to be filed under AS 21.42.120 .	
<input type="checkbox"/>	Notice of Limited Motor Vehicle Insurance	AS 21.36.465 Bulletin 89-04	Policies that provide only physical damage coverage and do not provide liability coverage as required by AS 28.22.101 (d) must contain this statement in bold type: This policy provides insurance only against damage to the motor vehicle. This policy does not insure against bodily injury, death, or property damage liability and does not satisfy the mandatory motor vehicle liability insurance requirements of AS 28.22.011.	
<input type="checkbox"/>	Other Insurance	AS 21.42.130 AS 28.20.445 AS 28.22.221 AS 21.96.020 (f)(4)	Making a primary policy excess over any other applicable insurance is misleading and grounds for disapproval under AS 21.42.130 . See AS 28.20.445 and AS 28.22.221 for priority of payment under Uninsured/Underinsured Motorists coverage. See AS 21.96.020(f)(4) for priority of payment for coverage for rental vehicles.	

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<input type="checkbox"/>	Personal Vehicle Sharing Programs and Ride Sharing	AS 21.96.020 (f) AS 21.96.020 (c) - (e)	Vehicles rented by the insured via a personal vehicle sharing program (PVSP) are considered rental vehicles for purposes of AS 21.96.020 (f)(2) -(4). Insured's purchased UM/UIM coverage must be available in the case that the insured has other covered autos which are damaged as a result of another operator's use of one of the insured's covered autos. UM/UIM coverage for an insured as a pedestrian or when riding as a passenger may not be excluded simply because the UM/UIM vehicle is being operated in connection with a PVSP or ride-sharing service.	
<input type="checkbox"/>	Pre-judgment Interest	AS 28.20.440 (b)(2) AS 28.22.101 (d)	Pre-judgment interest may not reduce liability coverage below the minimum required limits, which are to be provided exclusive of interest and costs.	
<input type="checkbox"/>	Proof of Insurance	AS 28.22.019	All insureds must be provided with adequate proof of insurance as defined in AS 28.22.019 (e).	
<input type="checkbox"/>	Proof of Notice	AS 21.36.260	All notices must be mailed by first class mail to the last known address of the insured. A certificate of mailing 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 for increased premiums or altered terms	AS 21.36.305 (e) AS 21.36.235	Notice must be given if the renewal premium is increased or if there is a material restriction or reduction in coverage at least 20 days before the expiration of a personal auto policy.	
<input type="checkbox"/>	Rental Vehicles	AS 21.96.020 (f)(2)-(4) Bulletin 89-04	Liability coverage at limits no less than 50/100/25 must be extended to vehicles rented in the United States and Canada by a person insured under the policy. Physical damage coverage for a rental vehicle must be provided if the policy includes physical damage coverage. If the policy does not include physical damage coverage, the insurer must offer physical damage coverage for rental vehicles. Coverage for rental vehicles is subject to the order of priority specified in AS 21.39.020 (f)(4).	

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<input type="checkbox"/>	Required Provisions	AS 21.96.020 AS 28.20.440 AS 28.22.101	In addition to the minimum liability coverage, a motor vehicle policy must: <ul style="list-style-type: none"> • list all covered vehicles – owner policy; • include Uninsured/Underinsured Motorist coverage at limits no less than the minimum liability coverage, unless the insured has waived coverage as provided in AS 28.20.445(e)(3) or AS 28.22.201(a)(3); • provide liability coverage for use of nonowned vehicles – operator policy; • must state the name and address of the named insured, the coverages, the premium charges, the policy period, and limits of liability; • policies certified as proof of financial responsibility must contain an agreement that coverage is subject to the provisions of AS 28.20.010 – AS 28.20.640. 	
<input type="checkbox"/>	Senior Discount	AS 21.96.025 3 AAC 29.380-395	Insurers must notify eligible applicants and renewal business in writing that a “senior discount” premium reduction is available. This notice is not required to be filed under AS 21.42.120 , but must comply with Regulations 3 AAC 29.380-395 .	
<input type="checkbox"/>	Short-term policy	AS 21.96.020 (g) Bulletin 02-12 Bulletin 96-03	Insurers must offer a short-term policy for a term of no more than seven days.	
<input type="checkbox"/>	UM/UIM selection/rejection forms	AS 21.96.020 (c)-(e)	A copy of your selection/rejection form must be submitted for review.	
<input type="checkbox"/>	UM/UIM Third Party Damage Recovery	Bulletin 99-01	Policy provisions allowing insurers to retain amounts received from third parties before full recovery by the insured are misleading and in violation of AS 21.42.130 .	
<input type="checkbox"/>	Unearned Premium refund insured cancel	AS 21.36.255	The insurer must return any unearned premium within 45 days of receipt of a request for cancellation or the effective date of cancellation, whichever is later.	

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<input type="checkbox"/>	Unearned Premium refund insurer cancel	AS 21.36.220(c)	The unearned premium must be refunded before effective date of cancellation except for the reasons stated in AS 21.36.220(c)(1) . Then the refund must be made within 45 days after the notice of cancellation. Nonpayment of premium is insurer cancellation.	
<input type="checkbox"/>	Uninsured Vehicle accident	AS 28.20.445(f) AS 28.22.201(b)	There is no statutory burden placed upon the insured to report a hit and run accident within a specific time frame. The insurer may not limit UM/UIM coverage only for those instances in which the accident was reported within 24 hours.	
<input type="checkbox"/>	Uninsured/ Underinsured Motorists (UM/UIM) Coverage	AS 21.96.020 AS 28.20.445(e)(3) AS 28.22.201 AS 28.20.445(i)	<p>UM/UIM Bodily Injury and Property Damage coverage must be offered separately, initially and at each renewal, at the following limits:</p> <p>Bodily Injury</p> <ul style="list-style-type: none"> • limits equal to the Liability limits of the policy; • except for certain types of policies [see AS 21.96.020(c)(2)], various specific limits if greater than the Liability limits of the policy. <p>other limits at the insurer's option.</p> <p>Property Damage</p> <ul style="list-style-type: none"> • \$25,000 per accident with \$250 deductible • other limits and deductibles at the insurer's option <p>The insured may reject coverage in writing, in whole or in part, and coverage may not be included in a renewal or replacement policy unless the insured requests coverage in writing.</p> <p>Beginning January 1, 2019, policies must clearly state that UM/UIM coverage provides coverage for the insured for injuries sustained as a pedestrian or bicyclist by a motor vehicle.</p>	

Name (print): _____

Date: _____

Signature: _____