STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF INSURANCE

PROPERTY & CASUALTY FORMS CHECKLIST

Policy Provision	REFERENCE	COMMENTS	Applicable	Page Number
Entire Contract in policy	AS 21.42.150	The policy must contain the entire contract between the parties.	Yes ☐ N/A ☐	
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: • 10-day notice for discovery of fraud or material misrepresentation made by the insured, etc. (see statutes); • 20-day notice for nonpayment of premium, etc. (see statutes); • 30-day notice before the effective date of the cancellation for any other reason. If the insured is 70 years old or older, the insurer must also notify the named insured's designee.	Yes ☐ N/A ☐	
Cancellation notice for a business or commercial policy	AS 21.36.220(b)	If an insurer cancels, a written notice must be mailed to the insured and to the agent or broker of record at least: • 10-day notice for discovery of fraud or material misrepresentation made by the insured, etc. (see statutes); • 20-day notice is for nonpayment of premium, etc. (see statutes); • 60-day notice before the effective date of the cancellation for any other reason.	Yes ☐ N/A ☐	
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 within 45 days after the notice of cancellation.	Yes ☐ N/A ☐	
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.	Yes ☐ N/A ☐	
Cancellation fee	AS 21.36.255(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.	Yes ☐ N/A ☐	

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Renewal notice with altered terms	AS 21.36.235	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: • 20 days before the expiration of a personal insurance policy; or • 45 days before the expiration of a business or commercial policy.	Yes ☐ N/A ☐	
Non-Renewal	AS 21.36.240	A non-renewal notice must be sent at least: • 20 days before expiration of a personal insurance policy; and • 45 days before the expiration of a business or commercial policy. An insurer may fail to renew a personal policy only on the policy's annual anniversary.	Yes ☐ N/A ☐	
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. Alternate methods of delivery may be used in addition to mailing or acceptable electronic transmittal, but cannot be used to replace the statutory requirement.	Yes ☐ N/A ☐	
Appraisal	AS 21.96.035	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.	Yes ☐ N/A ☐	
Claim Payment	3 AAC 26.070(a)(2)	Undisputed portions of a first party claim must be paid within 30 working days.	Yes ☐ N/A ☐	
Concealment, Fraud or Misrepresentation	AS 21.42.110 AS 28.20.440(f)(1)	All statements and descriptions in an application shall be considered to be representations and not warranties. 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. Cancellation or rescission may not be possible for Auto Liability policies after injury or damage has occurred.	Yes ☐ N/A ☐	

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Concurrent Causation	AS 21.36.096	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 "indirectly", "in any way involving", "in any way related to", "in whole or in part", or "regardless any other cause which may have contributed concurrently or in any sequence with" appearing in exclusions generally violates this statute.	Yes ☐ N/A ☐	
Lawsuits Against Insurer	AS 09.10.053 Supreme Court Case No. 1780 *Kaiser v. Umialik Ins.* No. SP-5877 *Brannon v. Continental Cas.* No. SP-6016	A person has three years to bring an action upon a contract. In *Fireman's Fund Ins. Co v. Sand Lake Lounge, Inc.* (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.	Yes ☐ N/A ☐	
Minimum Earned Premium	AS 21.36.255(a)(2)	Minimum earned premiums must be stated in the policy	Yes ☐ N/A ☐	
Examination under oath	AS 21.42.130	An insured must be allowed to have legal representation present when examined under oath.	Yes ☐ N/A ☐	
Other Insurance	AS 21.42.130	Making a primary policy excess over any other applicable insurance is misleading and grounds for disapproval under AS 21.42.130. There must be a method of sharing the loss with other policies.	Yes ☐ N/A ☐	
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.	Yes ☐ N/A ☐	
Alaska Rule of Civil Procedure 82	3 AAC 26.500-26.550 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 – 26.550. Bulletin 96-04 provides sample notices. *Therchik v. Grant Aviation, Inc*. (7/25/2003) – 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.	Yes ☐ N/A ☐	

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Terrorism Forms	Bulletin 08-01	Refer to the Bulletin for guidance.	Yes ☐ N/A ☐	
Arbitration	AS 09.43.300-.595 AS 21.42.130	Contracts entered into after January 1, 2005 must comply with the Revised Uniform Arbitration Act, including an Alaskan venue. **Please circle the answer:** Are both parties required to agree to use arbitration? Yes No Are the rules under which arbitration will occur identified in the form? Yes No	Yes ☐ N/A ☐	
Arbitration Fees	AS 09.43.480(d)	Arbitrator's expenses and fees, along with other expenses, shall be paid as provided in the award.	Yes ☐ N/A ☐	
Lead Exclusions	AS 21.42.130	Blanket lead exclusions are deceptive to the risk assumed and may not be used. For risks with known lead exposure, individual risk filings may be made describing the exposure and justifying the need for the exclusion.	Yes ☐ N/A ☐	
Extended Reporting Period	AS 21.42.130	Does the policy: • provide 60 day coverage at no charge, • allow 60 days in which to purchase optional coverage, and • permit the purchase of optional coverage for a period of at least 5 years at a cost of less than 200% of the expiring premium?	Yes ☐ N/A ☐	
Policy Contents	AS 21.42.160	General policy content requirements such as names of parties to the contract, premium, conditions, etc. See the statute for details.	Yes ☐ N/A ☐	
Territory	AS 21.42.130	The coverage territory must include Alaska.	Yes ☐ N/A ☐	
Time Limit on Filing Claims	AS 21.42.130 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 *Estes v. Alaska Insurance Guaranty Association* (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.	Yes ☐ N/A ☐	
Form Numbers	AS 21.42.160(d)	Each form must have an identifying form number that includes the year of adoption. The year of adoption should be the year it is adopted in Alaska. When a change is made to a form the designating letters, figures or terms and year of adoption shall be changed.	Yes ☐ N/A ☐	

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Exempt Commercial Policy	3 AAC 29.525-.530 3 AAC 29.545 Bulletin 05-06	An exempt commercial policyholder must meet the standards in 3 AAC 29.545. An informational filing must be submitted no later than 30 days after the proposed effective date.	Yes ☐ N/A ☐	

Name (print): _____

Signature: _____

Date: _____